



Committee on Energy

ACTION PACKET

**Wednesday, March 7, 2007
9:00 AM – 300 PM
404 HOB**

COMMITTEE MEETING REPORT

Committee on Energy

3/7/2007 9:00:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Bob Allen (Chair)	X		
Gary Aubuchon	X		
Loranne Ausley			X
Edward Bullard	X		
Marti Coley	X		
Terry Fields	X		
Paige Kreegel	X		
Rick Kriseman	X		
Seth McKeel	X		
Stephen Precourt	X		
Shelley Vana	X		
Totals:	10	0	1

Committee meeting was reported out: Wednesday, March 07, 2007 5:13:30PM

COMMITTEE MEETING REPORT

Committee on Energy

3/7/2007 9:00:00AM

Location: 404 HOB

HB 549 : Power Plants

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Gary Aubuchon	X				
Loranne Ausley			X		
Edward Bullard	X				
Marti Coley	X				
Terry Fields	X				
Paige Kreegel	X				
Rick Kriseman	X				
Seth McKeel	X				
Stephen Precourt	X				
Shelley Vana	X				
Bob Allen (Chair)	X				
Total Yeas: 10		Total Nays: 0			

Appearances:

HB 549

Eric Draper (Lobbyist) - Proponent

Audubon

2507 Callaway Road #103

Tallahassee Florida 32303

Phone: 850-224-7546

HB 549

Susan Glickman, Consultant - Information Only

Southern Alliance for Clean Energy

P. O. Box 310

Indian Rocks Beach Florida 33785

Phone: 727-595-7314

Committee meeting was reported out: Wednesday, March 07, 2007 5:13:30PM

COMMITTEE MEETING REPORT

Committee on Energy

3/7/2007 9:00:00AM

Location: 404 HOB

Summary:

Committee on Energy

Wednesday March 07, 2007 09:00 am

HB 549 Favorable

Yeas: 10 Nays: 0

Committee meeting was reported out: Wednesday, March 07, 2007 5:13:30PM

**House of Representatives
Committee Recommendations Worksheet
Proposed Council Bills**

Committee on Energy

Meeting Date March 7, 2007 Time 9:00 A.M. – 3:00 P.M.

Place 404 HOB

Subject Energy Efficiency and Alternative Fuel

Motion:

_____ to recommend a proposed council bill with respect to _____
(subject)

X to recommend proposed council bill PCB ENRC 07-01 relating to Energy Efficiency and Alternative Fuel
(PCB #)

Other action: _____

Vote On Recommendations		MEMBERS								
Yea	Nay		Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
X		Aubuchon, Gary								
		Ausley, Lorraine								
X		Bullard, Edward								
X		Coley, Marti								
		Fields, Terry								
X		Kreegel, Paige								
X		Kriseman, Rick								
X		McKeel, Seth								
X		Precourt, Stephen								
X		Vana, Shelley								
X		Allen, Bob, Chair								
Yeas	Nays	Totals	Yeas	Nays	Yeas	Nays	Yeas	Nays	Yeas	Nays
9	0									

Appearance Record

<u>Name</u>	<u>Representing</u>	<u>Address</u>
Susan Glickman, Consultant	Southern Alliance for Clean Energy	P. O. Box 310 Indian Rocks Beach, FL 33785
Eric Draper		2507 Callaway Road #103 Tallahassee, FL 32303
Bruce Kershner	Florida Solar Energy Industries Association	231 West Bay Avenue Longwood, FL 32750

Frank Matthews, Attorney	Florida Electric Power Coordinating Group	P. O. Box 6526 Tallahassee, FL 32301
Allan Guyet, Director	Florida Energy Office, DEP	2600 Blairstone Road Tallahassee, FL 32399
Jay Levenstein, Deputy Commissioner of Agriculture	Department of Agriculture and Consumer Services	PL-10 The Capitol Tallahassee, FL 32399
Peggy Mathews, Government Relations Director	Agri Source Fuels Biodiesel Production	1520 Big Sky Way Tallahassee, FL 32317
David Mica, Director	Florida Petroleum Council	215 South Monroe Street, Suite 800 Tallahassee, FL 32301
Holly Binns, Field Director	Environment Florida	926 E. Park Avenue Tallahassee, FL 32301
Susan Caplowe	Sierra Club	P. O. Box 1201 Tallahassee, FL 32301
Kerry Laughlin, Energy Services	Trane Company	8929 Western Way Jacksonville, FL
Ray Burroughs, Director of Building Inspection	FLC/FAC	3401 West Tharpe Street Tallahassee, FL 32303

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

①

Amendment No. (for drafter's use only)

Bill No. PCB ENRC 07-01

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Committee on Energy

2 Representative(s) Allen offered the following:

4 **Amendment**

5 Remove line(s) 756 through 758:

6 ~~(2) "Approved metering equipment" means a device capable~~
7 ~~of measuring the energy output of a solar thermal system that~~
8 ~~has been approved by the commission.~~

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Bill No. **PCB ENRC 07-01**

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	<u>✓</u>	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

Representative(s) Allen offered the following:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 1. The system is installed by a state-licensed master
23 electrician, electrical contractor, or solar contractor.

24 2. The system complies with state interconnection
25 standards as provided by the commission.

26 3. The system complies with all applicable building codes
27 as defined by the local jurisdictional authority.

28 (b) Rebate amounts.--The rebate amount shall be set at \$4
29 per watt based on the total wattage rating of the system. The
30 maximum allowable rebate per solar photovoltaic system
31 installation shall be as follows:

32 1. Twenty thousand dollars for a residence.

33 2. One hundred thousand dollars for a place of business, a
34 publicly owned or operated facility, or a facility owned or
35 operated by a private, not-for-profit organization, including
36 condominiums or apartment buildings.

37 (3) SOLAR THERMAL SYSTEM INCENTIVE.--

38 (a) Eligibility requirements.--A solar thermal system
39 qualifies for a rebate if:

40 1. The system is installed by a state-licensed solar or
41 plumbing contractor.

42 2. The system complies with all applicable building codes
43 as defined by the local jurisdictional authority.

44 (b) Rebate amounts.--Authorized rebates for installation
45 of solar thermal systems shall be as follows:

46 1. Five hundred dollars for a residence.

47 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000
48 for a place of business, a publicly owned or operated facility,
49 or a facility owned or operated by a private, not-for-profit
50 organization, including condominiums or apartment buildings. ~~Btu~~
51 ~~must be verified by approved metering equipment.~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

(4) SOLAR THERMAL POOL HEATER INCENTIVE.--

(a) Eligibility requirements.--A solar thermal pool heater qualifies for a rebate if the system is installed by a state-licensed solar or plumbing contractor and the system complies with all applicable building codes as defined by the local jurisdictional authority.

(b) Rebate amount.--Authorized rebates for installation of solar thermal pool heaters shall be \$100 per installation.

(5) APPLICATION.--To qualify for a rebate, an applicant must:

(a) Apply for a rebate reservation at least 10 days before the date of installation of any solar equipment. Homebuilders or developers may file a single application form for project sites containing more than 25 homes. For project sites containing fewer than 25 homes, the homebuilder or developer must file a separate rebate reservation application for each home; and

(b) Submit a separate application for a rebate payment within 90 days after the installation of any solar equipment. At the time of application for a rebate payment, an applicant may assign the rebate payment to any third party. Such assignment must be made in the space provided on the rebate payment application form. ~~Application for a rebate must be made within 90 days after the purchase of the solar energy equipment.~~

(6) REBATE AVAILABILITY.--The department shall determine and publish on a regular basis the amount of rebate funds remaining in each fiscal year. The total dollar amount of all rebates issued by the department is subject to the total amount of appropriations in any fiscal year for this program. If funds are insufficient during the current fiscal year, any requests

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

82 for rebates received during that fiscal year may be processed
83 during the following fiscal year. Requests for rebates received
84 in a fiscal year that are processed during the following fiscal
85 year shall be given priority over requests for rebates received
86 during the following fiscal year.

87 (7) RULES.--The department shall adopt rules pursuant to
88 ss. 120.536(1) and 120.54 to develop ~~rebate~~ applications for
89 rebate reservations and rebate payment and administer the
90 issuance of rebates.
91

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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Amendment No. (for drafter's use only)

Bill No. **PCB ENRC 07-01**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER _____

Council/Committee hearing bill:

Representative(s) Allen offered the following:

Amendment

Remove line(s) 1351 through 1391 and insert:

Section 1. Section 403.5115, Florida Statutes, is amended, and subsection (3) and (6) are added to that section, to read:

403.5115 Public notice.--

(1) The following notices are to be published by the applicant for all applications:

(a) Notice of the filing of a notice of intent under s. 403.5063, which shall be published within 21 days after the filing of the notice. The notice shall be published as specified by subsection (2), except that the newspaper notice shall be one-fourth page in size in a standard size newspaper or one-half page in size in a tabloid size newspaper.

(b) Notice of filing of the application, which shall include a description of the proceedings required by this act, within 21 days after the date of the application filing. Such notice shall give notice of the provisions of s. 403.511(1) and (2).

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

21 (c) Notice of the land use determination made pursuant to
22 s. 403.50665(1) within 21 days after the determination is filed.

23 (d) Notice of the land use hearing, which shall be
24 published as specified in subsection (2), no later than 15 days
25 before the hearing.

26 (e) Notice of the certification hearing and notice of the
27 deadline for filing notice of intent to be a party, which shall
28 be published as specified in subsection (2), at least 65 days
29 before the date set for the certification hearing.

30 (f) Notice of the cancellation of the certification
31 hearing, if applicable, no later than 3 days before the date of
32 the originally scheduled certification hearing.

33 (g) Notice of modification when required by the
34 department, based on whether the requested modification of
35 certification will significantly increase impacts to the
36 environment or the public. Such notice shall be published as
37 specified under subsection (2):

38 1. Within 21 days after receipt of a request for
39 modification. The newspaper notice shall be of a size as
40 directed by the department commensurate with the scope of the
41 modification.

42 2. If a hearing is to be conducted in response to the
43 request for modification, then notice shall be published no
44 later than 30 days before the hearing.

45 ~~(h) Notice of a supplemental application, which shall be~~
46 ~~published as specified in paragraph (b) and subsection (2).~~

47 ~~(i) Notice of existing site certification pursuant to s.~~
48 ~~403.5175. Notices shall be published as specified in paragraph~~
49 ~~(b) and subsection (2).~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

50 (2) Except as specified in subsection (3) nNotices
51 provided by the applicant shall be published in newspapers of
52 general circulation within the county or counties in which the
53 proposed electrical power plant will be located. The newspaper
54 notices shall be at least one-half page in size in a standard
55 size newspaper or a full page in a tabloid size newspaper. These
56 notices shall include a map generally depicting the project and
57 all associated facilities corridors. A newspaper of general
58 circulation shall be the newspaper which has the largest daily
59 circulation in that county and has its principal office in that
60 county. If the newspaper with the largest daily circulation has
61 its principal office outside the county, the notices shall
62 appear in both the newspaper having the largest circulation in
63 that county and in a newspaper authorized to publish legal
64 notices in that county.

65 (3) In addition to the newspaper notices published by the
66 applicant pursuant to subsections (1) and (2), the applicant
67 shall make a good faith effort to provide direct notice by
68 electronic mail, U.S. mail, or hand delivery, or in the billing
69 statements to all electric utility customers, of the filing of
70 an application for certification no later than 14 days after the
71 filing of an application to all local landowners whose property,
72 as noted in the most recent local government tax records, is
73 within 5 miles of the proposed site boundaries of the proposed
74 electrical power plant, and residences within 5 miles of the
75 proposed site boundaries of the proposed electrical power plant.
76 Within 30 days of the date the application is filed, the
77 applicant shall file with the department a list of landowners
78 and residences required by this subsection to be notified. An

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

79 application shall not be deemed complete unless this list has
80 been provided to the department.

81 ~~(4)(3)~~ All notices published by the applicant shall be
82 paid for by the applicant and shall be in addition to the
83 application fee.

84 ~~(5)(4)~~ For each case for which an application has been
85 received by the department, the department shall arrange for
86 publication of the following notices in the manner specified by
87 chapter 120 and provide copies of those notices to any persons
88 who have requested to be placed on the departmental mailing list
89 for this purpose:

90 (a) Notice of the filing of the notice of intent within 15
91 days after receipt of the notice.

92 (b) Notice of the filing of the application, no later than
93 21 days after the application filing.

94 (c) Notice of the land use determination made pursuant to
95 s. 403.50665(1) within 21 days after the determination is filed.

96 (d) Notice of the land use hearing before the
97 administrative law judge, if applicable, no later than 10 ~~15~~
98 days before the hearing.

99 (e) Notice of the land use hearing before the board, if
100 applicable.

101 (f) Notice of the certification hearing at least 45 days
102 before the date set for the certification hearing.

103 (g) Notice of the cancellation of the certification
104 hearing, if applicable, no later than 3 days prior to the date
105 of the originally scheduled certification hearing.

106 (h) Notice of the hearing before the board, if applicable.

107 (i) Notice of stipulations, proposed agency action, or
108 petitions for modification.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

09 (6) A local government or regional planning council that
110 proposes to conduct an informational public meeting pursuant to
111 s. 403.50663 must publish notice of the meeting in a newspaper
112 of general circulation within the county or counties in which
113 the proposed electrical power plant will be located no later
114 than 7 days prior to the meeting. A newspaper of general
115 circulation shall be the newspaper which has the largest daily
116 circulation in that county and has its principal office in that
117 county. If the newspaper with the largest daily circulation has
118 its principal office outside the county, the notices shall
119 appear in both the newspaper having the largest circulation in
120 that county and in a newspaper authorized to publish legal
121 notices in that county.

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(3A)

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. PCB ENRC 07-01

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ✓ (Y/N)
OTHER _____

Council/Committee hearing bill:

Representative(s) Allen offered the following:

Amendment

Remove line(s) 1533 and 1534 and insert:

Section 1. Subsection (3) of section 403.5363, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

(4) For any proposed transmission line or proposed alternate corridor, in addition to the newspaper notices published by the utility pursuant to subsection (1), the utility must make a good faith effort to provide direct notice by electronic mail, U.S. mail, or hand delivery, or in the billing statements to all electric utility customers, of the filing of an application for certification, no later than 14 days after the filing of an application to all local landowners whose property, as noted in the most recent local government tax records, is within one-quarter mile of the proposed boundaries of the proposed electrical transmission line corridor, and residences within one-quarter mile of the proposed boundaries of the proposed electrical transmission line corridor. Within 30

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 days of the date the application is filed, or within 45 days of
23 the date the notice of a proposed alternate corridor is filed,
24 the utility must file with the department a list of local
25 landowners and residences required by this subsection to be
26 notified. An application may not be deemed complete unless this
27 list has been provided to the department.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **PCB ENRC 07-01**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN ☒ (Y/N)
OTHER _____

Council/Committee hearing bill:

Amendment to Amendment (3A) by Representative Allen:

Remove line(s) 1533 and 1534 and insert:

Section 1. Subsection (3) of section 403.5363, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

(4) For any proposed transmission line, in addition to the newspaper notices published by the applicant pursuant to subsection (1), the applicant must make a good faith effort to provide direct notice by electronic mail, U.S. mail, or hand delivery, or in the billing statements to all electric applicant customers, of the filing of an application for certification, no later than 14 days after the filing of an application to all local landowners whose property, as noted in the most recent local government tax records, is within one-quarter mile of the proposed boundaries of the proposed electrical transmission line corridor, and residences within one-quarter mile of the proposed boundaries of the proposed electrical transmission line corridor. Within 30 days of the date the application is filed, the applicant must file with the department a list of local landowners and residences required by this subsection to be

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 notified. An application may not be deemed complete unless this
23 list has been provided to the department.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

(4)

Amendment No. (for drafter's use only)

Bill No. PCB ENRC 07-01

COUNCIL/COMMITTEE ACTION

ADOPTED ☒ (Y/N)
ADOPTED AS AMENDED ☐ (Y/N)
ADOPTED W/O OBJECTION ☐ (Y/N)
FAILED TO ADOPT ☐ (Y/N)
WITHDRAWN ☐ (Y/N)
OTHER ☐

1 Council/Committee hearing bill: Committee on Energy
2 Representative(s) Allen offered the following:

3
4 **Amendment**

5 Remove line(s) 1976 and insert:
6 clothes washer, air conditioner, ceiling fan, ventilating fan,
7 compact florescent

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

5

Amendment No. (for drafter's use only)

Bill No. **PCB ENRC 07-01**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
 ADOPTED AS AMENDED _____ (Y/N)
 ADOPTED W/O OBJECTION ☒ (Y/N)
 FAILED TO ADOPT _____ (Y/N)
 WITHDRAWN _____ (Y/N)
 OTHER _____

Council/Committee hearing bill: Committee on Energy

Representative(s) Allen offered the following:

Amendment

Between line(s) 5 and 6 insert:

Section 1. It is the intent of the Legislature to encourage a state partnership with the federal government and the private sector to leverage state funds, where appropriate, for energy research, alternative fuel production, and technology in the energy aerospace industry. Through the Florida Energy, Aerospace, Technology Fund (F.E.A.T.), dollars identified for this purpose will be placed into this fund and will be used as deemed appropriate by the Legislature.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **PCB ENRC 07-01**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION ☒ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Committee on Energy
Representative(s) McKeel and Kreegel offered the following:

Amendment

Remove line(s) 492 and insert:
of biodiesel. However, production from corn shall not be
excluded as to facilities co-located with facilities being
developed for the production of cellulosic ethanol.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **PCB ENRC 07-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/> (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

Council/Committee hearing bill: Committee on Energy
Representative(s) Kriseman offered the following:

Amendment

Remove line(s) 158 through 186 and insert:

(1) The Energy Efficient Motor Vehicle Sales Tax Refund Program is established to provide financial incentives for the purchase or lease of alternative motor vehicles as specified by this section.

(2) Any person who purchases or leases an alternative motor vehicle from a sales tax dealer in the state is eligible for a refund of the sales tax paid under this chapter. The sales tax that is eligible for refund shall be computed on the sales or lease price of the alternative motor vehicle up to a maximum sales or lease price of \$15,000.

(3) In order to qualify for the sales tax refund under this section, the alternative motor vehicle must be certified as a new qualified hybrid motor vehicle, new qualified alternative fuel motor vehicle, new qualified fuel cell motor vehicle, or new advanced lean-burn technology motor vehicle by the Internal Revenue Service for the income tax credit for alternative motor

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 vehicles under s. 30B of the Internal Revenue Code of 1986, as
23 amended.

24 (4) Notwithstanding ss. 212.095 and 215.26, an application
25 for refund must be filed with the department within 90 days
26 after purchase or lease of the alternative motor vehicle and
27 must contain the following:

28 (a) The name and address of the person claiming the
29 refund.

30 (b) A specific description of the alternative motor
31 vehicle for which a refund is sought, including the vehicle
32 identification number.

33 (c) The sales invoice or other proof of purchase or lease
34 showing the amount of sales tax paid, the date of purchase or
35 lease, and the name and address of the sales tax dealer from
36 whom the alternative motor vehicle was purchased or leased.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. **PCB ENRC 07-01**

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Committee on Energy
2 Representative(s) Kriseman offered the following:

3
4 **Amendment**

5 Remove line(s) 1919 through 1924 and insert:

6 Section 1. (1) All county, municipal, and school district
7 buildings shall be constructed using a minimum standard of the
8 United States Green Building Council Leadership in Energy and
9 Environmental Design (LEED) national silver standard for
10 construction. This section shall apply to all county,
11 municipal, and school district buildings whose architectural
12 plans are started after January 1, 2008.

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Committee on Energy

ADDENDUM "A"

ACTION PACKET

**Wednesday, March 7, 2007
9:00 AM – 3:00 PM
404 HOB**

All amendments adopted at the
March 7, 2007, Energy
Committee meeting have been
engrossed into the attached PCB.

PCB ENRC 07-01

Committee on Energy Recommendations

2007

1 A bill to be entitled
2 An act relating to energy efficiency and alternative fuel;
3 establishing legislative intent regarding leveraging of
4 state funds; amending s. 196.175, F.S.; reinstating the
5 solar property tax exemption; amending s. 212.08, F.S.;
6 increasing the cap on sales tax exemption for renewable
7 energy, limiting sales tax exemption for renewable energy
8 technologies to only the end user; creating s. 212.086,
9 F.S.; providing financial incentives for the purchase or
10 lease of an alternative motor vehicle; providing that any
11 person who purchases or leases an alternative motor vehicle
12 from a sales tax dealer is eligible for a refund of the
13 sales tax paid; requiring the alternative motor vehicle to
14 be certified under the Internal Revenue Code of 1986, as
15 amended, as a new qualified hybrid motor vehicle, new
16 qualified alternative fuel motor vehicle, new qualified fuel
17 cell motor vehicle, or new advanced lean-burn technology
18 motor vehicle; requiring that an application for refund be
19 filed with the Department of Revenue; providing that the
20 total dollar amount of refunds is limited to the total
21 amount of appropriations in any fiscal year; authorizing a
22 request for a refund to be held for payment in the following
23 fiscal year under certain circumstances; requiring the
24 department to adopt rules; providing for future repeal of
25 the program; creating s. 212.099, F.S.; establishing
26 standards for replacing petroleum consumption with ethanol
27 and biodiesel; establishing the tax credit for a retail
28 dealer for the sale of biofuels through 2012; providing an
29 annual cap on the tax credits; repealing tax credit program

3/9/2007 2:14:44 PM

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PCB ENRC 07-01a.doc

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

V

PCB ENRC 07-01

Committee on Energy Recommendations

2007

30 June 30, 2012; amending s. 213.053, F.S.; providing for
31 confidentiality of information relating to Biofuel Sales Tax
32 Credit and Biofuel Production Credit; amending s. 220.02,
33 F.S.; including the production tax credit in legislative
34 intent; amending s. 220.13, F.S.; providing for adjustments
35 in federal taxes for taxpayers participating in the Biofuel
36 Tax Credit Program; amending s. 220.192, F.S.; increasing
37 the cap on corporate income tax credits provided by the
38 Renewable Energy Corporate Tax Program; allowing
39 transferability of corporate tax credit; creating s.
40 220.194, F.S.; providing a corporate tax credit to producers
41 of biofuels; providing an annual cap on the corporate income
42 tax credit; applying tax credit to certain years; amending
43 s. 255.251, F.S.; providing a short title; amending s.
44 255.252, F.S.; requiring all state-owned buildings designed
45 and constructed to follow the Leadership in Energy and
46 Environmental Design (LEED) process to obtain certification;
47 requiring an inventory of state-owned buildings and an
48 energy efficiency project schedule for guaranteed energy
49 performance savings contract improvements; amending s.
50 255.253, F.S.; providing definitions; amending ss. 255.254
51 and 255.255, F.S.; requiring state-owned buildings to meet
52 LEED standards; amending s. 255.255, F.S.; requiring the
53 department to promulgate rules and procedures based on LEED
54 standards; amending s. 287.064, F.S.; extending period of
55 time allowed for repayment of funds under the guaranteed
56 energy performance savings contract from 10 to 20 years;
57 amending s. 377.802, F.S.; designating October as "Energy
58 Efficiency and Conservation Month," amending s. 377.803,

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59 F.S.; providing definitions; amending s. 377.804, F.S.;
60 deleting reference to the bioenergy projects under the
61 Renewable Energy Technologies Grants Program; amending s.
62 377.806, F.S.; providing for rebate under the Solar Energy
63 System Incentives Program; amending ss. 403.50663,
64 403.50665, 403.508, 403.509, 403.5113, 403.5115, F.S.;
65 providing for broader public notice of Power Plant Siting
66 Act applications and meetings; revising provisions for land
67 use consistency determination petitions; specifying how to
68 handle property rights of agencies when the department is
69 issuing the final order; clarifying language regarding post-
70 certification activities; amending ss. 403.5252, 403.527,
71 403.5271, 403.5317, 403.5363; clarifying language under the
72 Transmission Line siting Act regarding agency completeness
73 statements and the determination of completeness by the
74 Department of Environmental Protection; making technical
75 changes regarding hearings and public notice of hearings;
76 clarifying and revising language regarding alternate
77 corridors completeness determinations; amending s. 489.145,
78 F.S.; clarifying the intent of the Guaranteed Energy
79 Performance Savings Contracting Act to ensure that the use
80 of these contracts will result in savings in energy
81 consumption and energy related operational savings;
82 authorizing the Department of Financial Services to review
83 proposals to ensure the most effective financing is used;
84 amending s. 526.302, F.S.; providing the intent of the
85 Legislature to facilitate compliance with federal Energy
86 Policy and standards created in the Biofuel Sales Tax Credit
87 provisions; amending s. 526.303, F.S.; revising definition

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88 of "motor fuel;" amending s. 526.309, F.S.; providing
89 exemption from the Motor Fuel Marketing Practices Act for
90 the sale of ethanol blend, biodiesel, and biodiesel blend;
91 creating s. 570.956, F.S.; creating the Farm-to-Fuel
92 Advisory Council within the Department of Agriculture and
93 Consumer Services; creating s. 570.957, F.S.; establishing
94 the Farm-to-Fuel Grants Program within the Department of
95 Agriculture and Consumer Services to administer the
96 bioenergy grants program; mandates that all county,
97 municipal, and school district buildings be constructed to
98 meet LEED national silver standard for construction;
99 provides applicability to buildings whose architectural
100 plans are started after January 1, 2008; authorizing
101 additional duties of the Florida Building Commission to
102 convene a workgroup to develop a model residential energy
103 efficiency ordinance and report back to the Legislature by
104 July 1, 2008, review the Energy Code for Building
105 Construction and compare to the International code and the
106 Engineers Standards and report back with a standard by March
107 1, 2008, and develop a public awareness campaign by January
108 1, 2008; authorizing the exemption of sales taxes collected
109 on the first \$1,500 of the selling price of a new energy-
110 efficient product from October 1 through October 14, 2007;
111 providing appropriations to the Department of Revenue for
112 administration of the tax holiday; provides standards for
113 State Fleet Biodiesel Usage, subject to availability;
114 establishes standards for School District Biodiesel Usage,
115 subject to availability; providing and effective date,
116 except as otherwise provided.

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Be It Enacted by the Legislature of the State of Florida:

Section 1. It is the intent of the Legislature to encourage a state partnership with the federal government and the private sector to leverage state funds, where appropriate, for energy research, alternative fuel production, and technology in the energy and aerospace industries. Through the Florida Energy, Aerospace, and Technology Fund (F.E.A.T.), dollars identified for this purpose will be placed into this fund and will be used as deemed appropriate by the Legislature.

Section 2. Section 196.175, Florida Statutes, is amended to read:

196.175 Renewable energy source exemption.--

(1) Improved real property upon which a renewable energy source device is installed and operated shall be entitled to an exemption in the amount of the original cost of the device, including the installation cost thereof, but excluding the cost of replacing previously existing property removed or improved in the course of such installation. ~~not greater than the lesser of:~~

~~(a) The assessed value of such real property less any other exemptions applicable under this chapter;~~

~~(b) The original cost of the device, including the installation cost thereof, but excluding the cost of replacing previously existing property removed or improved in the course of such installation; or~~

~~(c) Eight percent of the assessed value of such property immediately following installation.~~

(2) The exempt amount authorized under subsection (1) shall apply in full if the device was installed and operative

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throughout the 12-month period preceding January 1 of the year of application for this exemption. If the device was operative for a portion of that period, the exempt amount authorized under this section shall be reduced proportionally.

(3) It shall be the responsibility of the applicant for an exemption pursuant to this section to demonstrate affirmatively to the satisfaction of the property appraiser that he or she meets the requirements for exemption under this section and that the original cost ~~pursuant to paragraph (1)(b)~~ and the period for which the device was operative, as indicated on the exemption application, are correct.

(4) No exemption authorized pursuant to this section shall be granted for a period of more than 10 years. ~~No exemption shall be granted with respect to renewable energy source devices installed before January 1, 1980, or after December 31, 1990.~~

Section 3. Paragraph (ccc) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.--The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this

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subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(ccc) Equipment, machinery, and other materials for renewable energy technologies.--

1. As used in this paragraph, the term:

a. "Biodiesel" means the mono-alkyl esters of long-chain fatty acids derived from plant or animal matter for use as a source of energy and meeting the specifications for biodiesel and biodiesel blends with petroleum products as adopted by the Department of Agriculture and Consumer Services. Biodiesel may refer to biodiesel blends designated BXX, where XX represents the volume percentage of biodiesel fuel in the blend.

b. "Ethanol" means nominally anhydrous denatured alcohol produced by the fermentation of plant sugars meeting the specifications for fuel ethanol and fuel ethanol blends with petroleum products as adopted by the Department of Agriculture and Consumer Services. Ethanol may refer to fuel ethanol blends designated EXX, where XX represents the volume percentage of fuel ethanol in the blend.

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202 c. "Hydrogen fuel cells" means equipment using hydrogen or
203 a hydrogen-rich fuel in an electrochemical process to generate
204 energy, electricity, or the transfer of heat.

205 2. The sale or use of the following in the state is exempt
206 from the tax imposed by this chapter:

207 a. Hydrogen-powered vehicles, materials incorporated into
208 hydrogen-powered vehicles, and hydrogen-fueling stations, up to a
209 limit of \$2 million in tax each state fiscal year for all
210 taxpayers.

211 b. Commercial stationary hydrogen fuel cells, up to a limit
212 of \$1 million in tax each state fiscal year for all taxpayers.

213 c. Materials used in the distribution of biodiesel (B10-
214 B100) and ethanol (E10-100), including fueling infrastructure,
215 transportation, and storage, up to a limit of \$2 ~~\$1~~ million in
216 tax each state fiscal year for all taxpayers. Gasoline fueling
217 station pump retrofits for ethanol (E10-E100) distribution
218 qualify for the exemption provided in this sub-subparagraph.

219 3. The Department of Environmental Protection shall provide
220 to the department a list of items eligible for the exemption
221 provided in this paragraph.

222 4. The exemption provided in this paragraph shall be
223 available only to the end user of the equipment, machinery, and
224 other materials.

225 5.4.a. The exemption provided in this paragraph shall be
226 available to a purchaser only through a refund of previously paid
227 taxes.

228 b. To be eligible to receive the exemption provided in this
229 paragraph, a purchaser shall file an application with the
230 Department of Environmental Protection. The application shall be

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231 developed by the Department of Environmental Protection, in
232 consultation with the department, and shall require:

233 (I) The name and address of the person claiming the refund.

234 (II) A specific description of the purchase for which a
235 refund is sought, including, when applicable, a serial number or
236 other permanent identification number.

237 (III) The sales invoice or other proof of purchase showing
238 the amount of sales tax paid, the date of purchase, and the name
239 and address of the sales tax dealer from whom the property was
240 purchased.

241 (IV) A sworn statement that the information provided is
242 accurate and that the requirements of this paragraph have been
243 met.

244 c. Within 30 days after receipt of an application, the
245 Department of Environmental Protection shall review the
246 application and shall notify the applicant of any deficiencies.
247 Upon receipt of a completed application, the Department of
248 Environmental Protection shall evaluate the application for
249 exemption and issue a written certification that the applicant is
250 eligible for a refund or issue a written denial of such
251 certification within 60 days after receipt of the application.
252 The Department of Environmental Protection shall provide the
253 department with a copy of each certification issued upon approval
254 of an application.

255 d. Each certified applicant shall be responsible for
256 forwarding a certified copy of the application and copies of all
257 required documentation to the department within 6 months after
258 certification by the Department of Environmental Protection.

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e. The provisions of s. 212.095 do not apply to any refund application made pursuant to this paragraph. A refund approved pursuant to this paragraph shall be made within 30 days after formal approval by the department.

f. The department may adopt all rules pursuant to ss. 120.536(1) and 120.54 to administer this paragraph, including rules establishing forms and procedures for claiming this exemption.

g. The Department of Environmental Protection shall be responsible for ensuring that the total amounts of the exemptions authorized do not exceed the limits as specified in subparagraph 2.

~~6.5.~~ The Department of Environmental Protection shall determine and publish on a regular basis the amount of sales tax funds remaining in each fiscal year.

~~7.6.~~ This paragraph expires July 1, 2010.

Section 4. Section 212.086, Florida Statutes, is created to read:

212.086 Energy Efficient Motor Vehicle Sales Tax Refund Program.--

(1) The Energy Efficient Motor Vehicle Sales Tax Refund Program is established to provide financial incentives for the purchase or lease of alternative motor vehicles as specified by this section.

(2) Any person who purchases or leases an alternative motor vehicle from a sales tax dealer in the state is eligible for a refund of the sales tax paid under this chapter. The sales tax that is eligible for refund shall be computed on the sales or

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287 | lease price of the alternative motor vehicle up to a maximum
288 | sales or lease price of \$15,000.

289 | (3) In order to qualify for the sales tax refund under this
290 | section, the alternative motor vehicle must be certified as a new
291 | qualified hybrid motor vehicle, new qualified alternative fuel
292 | motor vehicle, new qualified fuel cell motor vehicle, or new
293 | advanced lean-burn technology motor vehicle by the Internal
294 | Revenue Service for the income tax credit for alternative motor
295 | vehicles under s. 30B of the Internal Revenue Code of 1986, as
296 | amended.

297 | (4) Notwithstanding ss. 212.095 and 215.26, an application
298 | for refund must be filed with the department within 90 days after
299 | purchase or lease of the alternative motor vehicle and must
300 | contain the following:

301 | (a) The name and address of the person claiming the refund.

302 | (b) A specific description of the alternative motor vehicle
303 | for which a refund is sought, including the vehicle
304 | identification number.

305 | (c) The sales invoice or other proof of purchase or lease
306 | showing the amount of sales tax paid, the date of purchase or
307 | lease, and the name and address of the sales tax dealer from whom
308 | the alternative motor vehicle was purchased or leased.

309 | (d) A sworn statement that the information provided is
310 | accurate and that the requirements of this section have been met.

311 | (5) The total dollar amount of all refunds issued by the
312 | department is limited to the total amount of appropriations in
313 | any fiscal year for this program. The department may approve
314 | refunds up to the amount appropriated for this refund program
315 | based on the date of filing an application for refund pursuant to

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subsection (4). If the funds are insufficient during the current fiscal year, any requests for refund received during that fiscal year may be processed during the following fiscal year, subject to the appropriation, and have priority over new applications for refund filed in the following fiscal year. The provisions of s. 213.255 do not apply to requests for refund which are held for payment in the following fiscal year.

(6) The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section, including rules establishing forms and procedures for claiming this refund.

(7) A taxpayer who receives a refund pursuant to s. 212.08(7)(ccc) may not be allowed a refund provided in this section.

(8) This section is repealed July 1, 2010.

Section 5. Section 212.099, Florida Statutes, is created to read:

212.099 Biofuel Sales Tax Credit Program.--

(1) The purpose of this section is to encourage the sale of biofuels in Florida and replace petroleum consumption in the state as follows:

(a) 3% from January 1, 2008 through December 31, 2008;

(b) 5% from January 1, 2009 through December 31, 2009;

(c) 7% from January 1, 2010 through December 31, 2010;

(d) 10% from January 1, 2011 through December 31, 2011.

(2) Definitions.—As used in this section:

(a) "Fuel dispenser" means a pump, meter, or similar device used to measure and deliver motor fuel or diesel fuel on a retail basis.

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344 (b) "Retail dealer" means any person who is engaged in the
345 business of selling fuel at retail at posted retail prices.

346 (c) "Biodiesel" means any product made from non-petroleum-
347 based lipids, which is suitable for blending with diesel fuels
348 and meeting the specifications for biodiesel as adopted by the
349 Department of Agriculture and Consumer Services.

350 (d) "Biofuel" means E85 fuel ethanol, E10 motor fuel,
351 biodiesel and biodiesel blended fuel.

352 (e) "E85 fuel ethanol" means ethanol blended with gasoline
353 and formulated with a nominal percentage of eighty-five percent
354 ethanol by volume, and meeting the applicable fuel quality
355 specifications as adopted by the Department of Agriculture and
356 Consumer Services.

357 (f) "E10 motor fuel" means a motor fuel blend consisting of
358 nominal percentages of ninety percent gasoline by volume and ten
359 percent ethanol by volume, and meeting the fuel quality
360 specifications for gasoline as adopted by the Department of
361 Agriculture and Consumer Services.

362 (g) "Biodiesel blended fuel" means a fuel mixture containing
363 ten percent or more biodiesel with the balance comprised of
364 diesel fuel, and meeting the specifications for biodiesel blends
365 as adopted by the Department of Agriculture and Consumer
366 Services.

367 (h) "Ethanol or fuel ethanol" means an anhydrous denatured
368 alcohol produced by the conversion of carbohydrates, and meeting
369 the specifications for fuel ethanol as adopted by the Department
370 of Agriculture and Consumer Services.

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371 (i) "Retail motor fuel site" means a geographic location in
 372 this state where a retail dealer sells or offers for sale motor
 373 fuel or diesel fuel to the general public.

374 (3) (a) A retail dealer who sells biofuel through fuel
 375 dispensers at retail motor fuel sites is entitled to a tax credit
 376 under this section.

377 (b) The credit shall be computed as follows:

378 1. A credit of \$.01 for each gallon of E10 motor fuel sold
 379 through a fuel dispenser.

380 2. A credit of \$.03 for each gallon of E85 fuel ethanol
 381 sold through a fuel dispenser;

382 3. A credit of \$.01 for each gallon of biodiesel blended
 383 fuel sold through a fuel dispenser;

384 4. A credit of \$.03 for each gallon of biodiesel sold
 385 through a fuel dispenser.

386 (c) The credit may be claimed for biofuel sold on or after
 387 January 1, 2008. Beginning in 2009 and continuing until 2012,
 388 each applicant claiming a credit under this section must first
 389 apply to the Department of Agriculture and Consumer Services by
 390 February 1 of each year for an allocation of the available credit
 391 for the preceding calendar year. The Department of Agriculture
 392 and Consumer Services, in consultation with the department, shall
 393 develop an application form. The application form shall, at a
 394 minimum, require a sworn affidavit from each retail dealer
 395 certifying the following information:

396 1. The name and principal address of the retail dealer;

397 2. The address of the retail dealer's retail motor fuel
 398 sites from which it sold biofuels during the preceding calendar
 399 year;

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3. The total gallons of E10 ethanol sold through fuel dispensers;

4. The total gallons of E85 ethanol sold through fuel dispensers;

5. The total gallons of biodiesel blended fuel sold through fuel dispensers;

6. The total gallons of biodiesel sold through fuel dispensers.

7. Any other information deemed necessary by the Department of Agriculture and Consumer Services to adequately ensure that the tax credit allowed under this section shall be made only to qualified Florida retail dealers.

(d) The Department of Agriculture and Consumer Services shall determine the amount of credit allowed under this section, and certify the names and final credit amounts to the department. Upon receipt of the certified information by the department, the qualified retail dealers shall be allowed a credit against the tax remitted under this chapter. The Department of Agriculture and Consumer Services shall provide assistance when requested by the department on any audits or examinations performed pursuant to this section. The Department of Agriculture and Consumer Services is authorized to adopt rules governing the manner and form of applications for credit for the determination of this credit.

(4) If the amount of credits applied for each year exceeds \$10 million, the Department of Agriculture and Consumer Services shall award to each applicant a prorated amount based on each applicant's gallonage of qualified biofuel sold and dispensed that is eligible for the tax credit under this section.

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(5) Any unused tax credit granted pursuant to this section may be carried forward for a period not to exceed 5 years.

(6) It is the responsibility of each retail dealer to affirmatively demonstrate to the satisfaction of the Department of Agriculture and Consumer Services and the department that it meets the requirements of this section. The department may adopt rules and may establish guidelines as to the requisites for an affirmative showing of qualification for the credit under this section.

(7) This section is repealed on June 30, 2012.

Section 6. Paragraph (z) is added to subsection (8) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.--

(8) Notwithstanding any other provision of this section, the department may provide:

(z) Information relative to ss. 212.099 and 220.194 to the Department of Agriculture and Consumer Services for use in the conduct of its official business.

Section 7. Subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.--

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 221.02, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19,

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those enumerated in s. 220.185, those enumerated in s. 220.187,
those enumerated in s. 220.192, ~~and~~ those enumerated in s.
220.193, and those enumerated in s. 220.194.

Section 8. Paragraph (a) of subsection (1) of section
220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.--

(1) The term "adjusted federal income" means an amount
equal to the taxpayer's taxable income as defined in subsection
(2), or such taxable income of more than one taxpayer as provided
in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.--There shall be added to such taxable
income:

1. The amount of any tax upon or measured by income,
excluding taxes based on gross receipts or revenues, paid or
accrued as a liability to the District of Columbia or any state
of the United States which is deductible from gross income in the
computation of taxable income for the taxable year.

2. The amount of interest which is excluded from taxable
income under s. 103(a) of the Internal Revenue Code or any other
federal law, less the associated expenses disallowed in the
computation of taxable income under s. 265 of the Internal
Revenue Code or any other law, excluding 60 percent of any
amounts included in alternative minimum taxable income, as
defined in s. 55(b)(2) of the Internal Revenue Code, if the
taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real
estate investment trust, an amount equal to the excess of the net
long-term capital gain for the taxable year over the amount of
the capital gain dividends attributable to the taxable year.

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487 4. That portion of the wages or salaries paid or incurred
488 for the taxable year which is equal to the amount of the credit
489 allowable for the taxable year under s. 220.181. This
490 subparagraph shall expire on the date specified in s. 290.016 for
491 the expiration of the Florida Enterprise Zone Act.

492 5. That portion of the ad valorem school taxes paid or
493 incurred for the taxable year which is equal to the amount of the
494 credit allowable for the taxable year under s. 220.182. This
495 subparagraph shall expire on the date specified in s. 290.016 for
496 the expiration of the Florida Enterprise Zone Act.

497 6. The amount of emergency excise tax paid or accrued as a
498 liability to this state under chapter 221 which tax is deductible
499 from gross income in the computation of taxable income for the
500 taxable year.

501 7. That portion of assessments to fund a guaranty
502 association incurred for the taxable year which is equal to the
503 amount of the credit allowable for the taxable year.

504 8. In the case of a nonprofit corporation which holds a
505 pari-mutuel permit and which is exempt from federal income tax as
506 a farmers' cooperative, an amount equal to the excess of the
507 gross income attributable to the pari-mutuel operations over the
508 attributable expenses for the taxable year.

509 9. The amount taken as a credit for the taxable year under
510 s. 220.1895.

511 10. Up to nine percent of the eligible basis of any
512 designated project which is equal to the credit allowable for the
513 taxable year under s. 220.185.

514 11. The amount taken as a credit for the taxable year under
515 s. 220.187.

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516 12. A taxpayer claiming the credit under s. 220.194 shall
517 be required to add back to net income that portion of its
518 business deductions claimed on its federal return paid or
519 incurred for the taxable year which is equal to the amount of the
520 credit allowable for the taxable year under s. 220.194.

521 13.12. The amount taken as a credit for the taxable year
522 under s. 220.192.

523 14.13. The amount taken as a credit for the taxable year
524 under s. 220.193.

525 Section 9. Paragraph (b) of subsection (1) of section
526 220.192, Florida Statutes, is amended, paragraph (e) is added to
527 subsection (1), and subsection (8) is added to that section, to
528 read:

529 220.192 Renewable energy technologies investment tax
530 credit.--

531 (1) DEFINITIONS.--For purposes of this section, the term:

532 (b) "Eligible costs" means:

533 1. Seventy-five percent of all capital costs, operation and
534 maintenance costs, and research and development costs incurred
535 between July 1, 2006, and June 30, 2010, up to a limit of \$3
536 million per state fiscal year for all taxpayers, in connection
537 with an investment in hydrogen-powered vehicles and hydrogen
538 vehicle fueling stations in the state, including, but not limited
539 to, the costs of constructing, installing, and equipping such
540 technologies in the state.

541 2. Seventy-five percent of all capital costs, operation and
542 maintenance costs, and research and development costs incurred
543 between July 1, 2006, and June 30, 2010, up to a limit of \$1.5
544 million per state fiscal year for all taxpayers, and limited to a

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maximum of \$12,000 per fuel cell, in connection with an investment in commercial stationary hydrogen fuel cells in the state, including, but not limited to, the costs of constructing, installing, and equipping such technologies in the state.

3. Seventy-five percent of all capital costs, operation and maintenance costs, and research and development costs incurred between July 1, 2006, and June 30, 2010, up to a limit of \$13 ~~\$6.5~~ million per state fiscal year for all taxpayers, in connection with an investment in the production, storage, and distribution of biodiesel (B10-B100) and ethanol (E10-E100) in the state, including the costs of constructing, installing, and equipping such technologies in the state. Gasoline fueling station pump retrofits for ethanol (E10-E100) distribution qualify as an eligible cost under this subparagraph.

(e) "Corporation" means all general partnerships, limited partnerships, limited liability companies, unincorporated businesses, and all other business entities in which a taxpayer owns an interest and which are taxed as partnerships or are disregarded as separate entities from the taxpayer for tax purposes. Tax credits derived by such entities treated as corporations pursuant to this provision that are not transferred by such entities to other taxpayers pursuant to clause (9) herein below shall be passed through to the taxpayers designated as partners, members or owners, respectively, in any manner agreed to by such persons, whether or not such persons are allocated or allowed any portion of the federal energy tax credit with respect to the eligible costs.

(8) TRANSFERABILITY OF CREDIT.--

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573 (a) Transferors, Transferees. --Any corporation and any
574 subsequent transferee allowed the tax credit may transfer the tax
575 credit, in whole or in part, to any taxpayer by written
576 agreement, without the requirement of transferring any ownership
577 interest in the property generating the tax credit or any
578 interest in the entity which owns the property. Transferees are
579 entitled to apply the credits against the tax with the same
580 effect as if the transferee had incurred the eligible costs.

581 (b) Notice, Transfer Statement and Certificate. To perfect
582 the transfer, the transferor shall provide a written transfer
583 statement providing notice to the Department of Revenue of the
584 assignor's intent to transfer the tax credits to the assignee,
585 the date the transfer is effective, the assignee's name, address,
586 federal taxpayer identification number and tax period and the
587 amount of tax credits to be transferred. The Department of
588 Revenue shall promulgate the form of transfer statement to be
589 filed by the transferor of the tax credit. The Department of
590 Revenue shall issue, upon receipt of a transfer statement
591 conforming to the requirements of this section, a certificate to
592 the assignee reflecting the tax credit amounts transferred, a
593 copy of which shall be attached to each tax return by an assignee
594 in which such tax credits are used.

595 Section 10. Effective upon becoming a law, section 220.194,
596 Florida Statutes, is created to read:

597 220.194 Florida biofuel production credit.--

598 (1) The purpose of this section is to encourage the
599 development and expansion of facilities that produce biofuels in
600 Florida.

601 (2) As used in this section, the term:

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(a) "Biodiesel" means any product made from non-petroleum-based lipids, which is suitable for blending with diesel fuels and meets the specifications for biodiesel as adopted by the Department of Agriculture and Consumer Services.

(b) "Biofuel" means ethanol or biodiesel.

(c) "Department" shall mean the Department of Revenue.

(d) "Ethanol or fuel ethanol" means an anhydrous denatured alcohol produced by the conversion of carbohydrates and meeting the specifications for fuel ethanol adopted by the Department of Agriculture and Consumer Services.

(e) "Florida biofuel production" shall mean production in the state of ethanol from sources other than corn, and production of biodiesel. However, production from corn shall not be excluded as to facilities co-located with facilities being developed for the production of cellulosic ethanol.

(3) In order to be eligible for the corporate income tax credit provided herein, a producer must have registered and have met the requirements contained in Chapter 206, Florida Statutes.

(4) A corporate income tax credit against the tax imposed by this section shall be allowed to a producer based on Florida biofuel production.

(a) The credit against corporate income tax shall be \$0.05 for each gallon of unblended Florida biofuel production (exclusive of denaturant) during a given tax year and sold to an unrelated blender of biofuel.

(b) The credit may be claimed for production on or after January 1, 2008. Beginning in 2009 and continuing until 2012, each taxpayer claiming a credit under this section must first apply to the department by February 1 of each year for an

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allocation of available credit. The department, in consultation with the Department of Agriculture and Consumer Services, shall develop an application form. The application form shall, at a minimum, require a sworn affidavit from each taxpayer certifying the production that forms the basis of the application and certifying that all information contained in the application is true and correct.

(c) The Department of Agriculture and Consumer Services shall determine whether or not such production is eligible for the corporate income tax credit under this section and certify that amount to the department. A producer must attach the certification of the Department of Agriculture and Consumer Services to the application for corporate income tax credit filed with the department. The Department of Agriculture and Consumer Services shall provide assistance when requested by the department on any audits or examinations performed pursuant to this section. The Department of Agriculture and Consumer Services is authorized to adopt the necessary rules, forms, guidelines, standards, and application materials necessary for a determination of this credit.

(d) If the amount of corporate income tax credits applied for each year exceeds \$10 million, the department shall award to each applicant a prorated amount based on each applicant's production and production of all applicants.

(e) If the corporate income tax credit granted pursuant to this section is not fully used in one year because of insufficient tax liability on the part of the taxpayer, the unused amount may be carried forward for a period not to exceed 5 years. The carryover credit may be used in a subsequent year when

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the tax imposed by this chapter for such year exceeds the credit for such year, after applying the other credits and unused credit carryovers in the order provided in s. 220.02(8).

(f) A taxpayer that files a consolidated return in this state as a member of an affiliated group under s. 220.131(1) may be allowed the corporate income tax credit on a consolidated return basis up to the amount of Florida corporate income tax imposed upon the consolidated group.

(g)1. Corporate income tax credits granted under this section to a producer eligible under this section may be transferred after a merger or acquisition to the surviving or acquiring entity and used in the same manner with the same limitations.

2. A producer may transfer any unused corporate income tax credit in whole or in units of no less than 25 percent. The entity acquiring such credit may use it in the same manner and with the same limitations under this section. Such transferred credits may not be transferred again although they may succeed to a surviving or acquiring entity subject to the same conditions and limitations as described in this section.

3. In the event the credit provided for under this section is reduced as a result of an examination or audit by the department, such tax deficiency shall be recovered from the first entity or the surviving or acquiring entity to have claimed such credit up to the amount of credit taken. Any subsequent deficiencies shall be assessed against any entity acquiring and claiming such credit, or in the case of multiple succeeding entities in the order of credit succession.

(h) Notwithstanding any other provision of this section,

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689 credits for Florida biofuel production may be earned between
690 January 1, 2008 and December 31, 2011. The combined total amount
691 of tax credits which may be granted for all producers under this
692 section is limited to \$10 million per state fiscal year.

693 (i) A producer claiming a credit under this section shall
694 be required to add back to net income that portion of its
695 business deductions claimed on its federal return paid or
696 incurred for the taxable year which is equal to the amount of the
697 credit allowable for the taxable year under this section.

698 (5) The department may adopt rules to implement and
699 administer this section, including rules prescribing forms, the
700 documentation needed to substantiate a claim for the tax credit,
701 and the specific procedures and guidelines for claiming the
702 credit.

703 (6) This section shall apply to tax years beginning on and
704 after January 1, 2008.

705 Section 11. Section 255.251, Florida Statutes, is amended
706 to read:

707 255.251 Energy Conservation and Sustainable ~~in~~ Buildings
708 Act; short title.--This act shall be cited as the "Florida Energy
709 Conservation in Buildings Act of 1974."

710 Section 12. Section 255.252, Florida Statutes, is amended,
711 and subsection (5) is added to that section, to read:

712 255.252 Findings and intent.--

713 (1) Operating and maintenance expenditures associated with
714 energy equipment and with energy consumed in state-financed and
715 leased buildings represent a significant cost over the life of a
716 building. Energy conserved by appropriate building design not
717 only reduces the demand for energy but also reduces costs for

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718 building operation. ~~For example, commercial buildings are~~
719 ~~estimated to use from 20 to 80 percent more energy than would be~~
720 ~~required if energy-conserving designs were used.~~ The size,
721 design, orientation, and operability of windows, the ratio of
722 ventilating air to air heated or cooled, the level of lighting
723 consonant with space-use requirements, the handling of occupancy
724 loads, and the ability to zone off areas not requiring equivalent
725 levels of heating or cooling are but a few of the considerations
726 necessary to conserving energy.

727 (2) Significant efforts are needed to build energy
728 efficient state-owned buildings, which meet environmental
729 standards. ~~underway by the General Services Administration, the~~
730 ~~National Institute of Standards and Technology, and others to~~
731 ~~detail the considerations and practices for energy conservation~~
732 ~~in buildings.~~ Most important is that energy-efficient designs
733 provide energy savings over the life of the building structure.
734 ~~Conversely, energy-inefficient designs cause excess and wasteful~~
735 ~~energy use and high costs over that life.~~ With buildings lasting
736 many decades and with energy costs escalating rapidly, it is
737 essential that the costs of operation and maintenance for energy-
738 using equipment and sustainable materials be included in all
739 design proposals for state-owned buildings.

740 (3) In order that such energy-efficiency and sustainable
741 materials considerations become a function of building design,
742 and also a model for future application in the private sector, it
743 shall be the policy of the state that buildings constructed and
744 financed by the state be designed and constructed to follow the
745 U.S. Green Building Council (USGBC) Leadership in Energy and
746 Environmental Design (LEED) process to obtain certification. ~~in a~~

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747 ~~manner which will minimize the consumption of energy used in the~~
 748 ~~operation and maintenance of such buildings.~~ It is further the
 749 policy of the state, when economically feasible, to retrofit
 750 existing state-owned buildings in a manner which will minimize
 751 the consumption of energy used in the operation and maintenance
 752 of such buildings.

753 (4) In addition to designing and constructing new buildings
 754 to be energy-efficient, it shall be the policy of the state to
 755 operate, maintain, and renovate existing state-owned facilities,
 756 or provide for their renovation, in a manner which will minimize
 757 energy consumption and maximize their sustainability as well as
 758 ensure that facilities leased by the state are operated so as to
 759 minimize energy use. Agencies are encouraged to consider shared
 760 savings financing of such energy projects, using contracts which
 761 split the resulting savings for a specified period of time
 762 between the agency and the private firm or cogeneration contracts
 763 which otherwise permit the state to lower its energy costs. Such
 764 energy contracts may be funded from the operating budget.

765 (5) All state agencies must identify and compile a list of
 766 all state-owned buildings within its inventory that would be
 767 suitable for a guaranteed energy performance savings contract
 768 pursuant to s. 489.145. Such list shall be submitted to the
 769 Department of Management Services by December 31, 2007, and shall
 770 include all facilities over five thousand square feet in area,
 771 and which the agency is responsible for the expenses of utilities
 772 and other operating expenses as they relate to energy use. In
 773 consultation with each department secretary or director, by March
 774 1, 2008, the Department of Management Services shall evaluate
 775 each agency's facilities suitable for energy conservation

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776 | projects, and shall develop an energy efficiency project schedule
777 | based on factors such as project magnitude, efficiency and
778 | effectiveness of energy conservation measures to be implemented,
779 | and other factors which may prove to be advantageous to pursue.
780 | Such schedule shall provide the deadline for guaranteed energy
781 | performance savings contract improvements to be made to the
782 | state-owned buildings.

783 | Section 13. Subsection (6) is added to section 255.253,
784 | Florida Statutes, to read:

785 | 255.253 Definitions; ss. 255.251-255.258.--

786 | (6) "Sustainable Building" means a building that is healthy
787 | and comfortable for its occupants and is economical to operate,
788 | conserving resources (including energy, water, raw materials and
789 | land) and minimizes the generation of toxic materials and waste
790 | in its design, construction, landscaping, and operation.

791 | Section 14. Section 255.254, Florida Statutes, is amended
792 | to read:

793 | 255.254 No facility constructed ~~or leased~~ without life-
794 | cycle costs.--

795 | (1) No state agency shall ~~lease~~, construct, or have
796 | constructed, within limits prescribed herein, a facility without
797 | having secured from the department ~~an proper~~ evaluation of life-
798 | cycle costs based on LEED standards. ~~as computed by an architect~~
799 | ~~or engineer.~~ Furthermore, construction shall proceed only upon
800 | disclosing, for the facility chosen, the life-cycle costs as
801 | determined in s. 255.255, its LEED Green Building Rating and the
802 | capitalization of the initial construction costs of the building.
803 | The life-cycle costs shall be a primary consideration in the
804 | selection of a building design in addition to its LEED Green

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805 Building Rating. ~~Such analysis shall be required only for~~
806 ~~construction of buildings with an area of 5,000 square feet or~~
807 ~~greater.~~ For leased buildings 5,000 square feet or greater areas
808 ~~of 20,000 square feet or greater~~ within a given building
809 boundary, an energy performance analysis ~~a life-cycle analysis~~
810 shall be performed, and a lease shall only be made where there is
811 a showing that the energy life-cycle costs incurrent by the state
812 are minimal compared to available like facilities.

813 (2) On and after January 1, 1979, no state agency shall
814 initiate construction or have construction initiated, prior to
815 approval thereof by the department, on a facility or self-
816 contained unit of any facility, the design and construction of
817 which incorporates or contemplates the use of an energy system
818 other than a solar energy system when the life-cycle costs
819 analysis prepared by the department has determined that a solar
820 energy system is the most cost-efficient energy system for the
821 facility or unit.

822 (3) After September 30, 1985, when any state agency must
823 replace or supplement major items of energy-consuming equipment
824 in existing state-owned ~~or leased~~ facilities or any self-
825 contained unit of any facility with other major items of energy-
826 consuming equipment, the selection of such items shall be made on
827 the basis of a life-cycle cost analysis of alternatives in
828 accordance with rules promulgated by the department under s.
829 255.255.

830 Section 15. Subsection (1) of section 255.255, Florida
831 Statutes, is amended to read:

832 255.255 Life-cycle costs.--

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(1) The department shall promulgate rules and procedures, including energy conservation performance guidelines based on LEED standards, for conducting a life-cycle cost analysis of alternative architectural and engineering designs and alternative major items of energy-consuming equipment to be retrofitted in existing state-owned or leased facilities and for developing energy performance indices to evaluate the efficiency of energy utilization for competing designs in the construction of state-financed and leased facilities.

Section 16. Subsection (10) of section 287.064, Florida Statutes, is amended to read:

287.064 Consolidated financing of deferred-payment purchases.--

(10) Costs incurred pursuant to a guaranteed energy performance savings contract, including the cost of energy conservation measures, each as defined in s. 489.145, may be financed pursuant to a master equipment financing agreement; however, the costs of training, operation, and maintenance may not be financed. The period of time for repayment of the funds drawn pursuant to the master equipment financing agreement under this subsection may exceed 5 years but may not exceed 20 ~~10~~ years.

Section 17. Section 377.802, Florida Statutes, is amended to read:

377.802 Purposes ~~Purpose~~.--

(1) This act is intended to provide matching grants to stimulate capital investment in the state and to enhance the market for and promote the statewide utilization of renewable energy technologies. The targeted grants program is designed to

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862 advance the already growing establishment of renewable energy
863 technologies in the state and encourage the use of other
864 incentives such as tax exemptions and regulatory certainty to
865 attract additional renewable energy technology producers,
866 developers, and users to the state.

867 (2) This act is ~~also~~ intended to provide incentives for the
868 purchase of energy-efficient appliances and rebates for solar
869 energy equipment installations for residential and commercial
870 buildings. In order to promote energy efficiency and
871 conservation of the state's resources, the month of October shall
872 annually be designated "Energy Efficiency and Conservation
873 Month."

874 Section 18. Section 377.803, Florida Statutes, is amended
875 to read:

876 377.803 Definitions.--As used in ss. 377.801-377.806, the
877 term:

878 (1) "Act" means the Florida Renewable Energy Technologies
879 and Energy Efficiency Act.

880 (2) ~~"Approved metering equipment" means a device capable of~~
881 ~~measuring the energy output of a solar thermal system that has~~
882 ~~been approved by the commission.~~

883 (3) "Bioenergy" means useful, renewable energy produced
884 from organic matter - the conversion of the complex carbohydrates
885 in organic matter to energy. Organic matter may either be used
886 directly as a fuel, processed into liquids and gasses, or be a
887 residual of processing and conversion.

888 (4) ~~(3)~~ "Commission" means the Florida Public Service
889 Commission.

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890 (5)~~(4)~~ "Department" means the Department of Environmental
891 Protection.

892 (6)~~(5)~~ "Person" means an individual, partnership, joint
893 venture, private or public corporation, association, firm, public
894 service company, or any other public or private entity.

895 (7)~~(6)~~ "Renewable energy" means electrical, mechanical, or
896 thermal energy produced from a method that uses one or more of
897 the following fuels or energy sources: hydrogen, biomass, solar
898 energy, geothermal energy, wind energy, ocean energy, waste heat,
899 or hydroelectric power.

900 (8)~~(7)~~ "Renewable energy technology" means any technology
901 that generates or utilizes a renewable energy resource.

902 (9)~~(8)~~ "Solar energy system" means equipment that provides
903 for the collection and use of incident solar energy for water
904 heating, space heating or cooling, or other applications that
905 would normally require a conventional source of energy such as
906 petroleum products, natural gas, or electricity that performs
907 primarily with solar energy. In other systems in which solar
908 energy is used in a supplemental way, only those components that
909 collect and transfer solar energy shall be included in this
910 definition.

911 (10)~~(9)~~ "Solar photovoltaic system" means a device that
912 converts incident sunlight into electrical current.

913 (11)~~(10)~~ "Solar thermal system" means a device that traps
914 heat from incident sunlight in order to heat water

915 Section 19. Section 377.804, Florida Statutes, is amended
916 to read:

917 377.804 Renewable Energy Technologies Grants Program.--

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918 (1) The Renewable Energy Technologies Grants Program is
919 established within the department to provide renewable energy
920 matching grants for demonstration, commercialization, research,
921 and development projects relating to renewable energy
922 technologies.

923 (2) Matching grants for renewable energy technology
924 demonstration, commercialization, research, and development
925 projects may be made to any of the following:

926 (a) Municipalities and county governments.

927 (b) Established for-profit companies licensed to do
928 business in the state.

929 (c) Universities and colleges in the state.

930 (d) Utilities located and operating within the state.

931 (e) Not-for-profit organizations.

932 (f) Other qualified persons, as determined by the
933 department.

934 (3) The department may adopt rules pursuant to ss.
935 120.536(1) and 120.54 to provide for application requirements,
936 provide for ranking of applications, and administer the awarding
937 of grants under this program.

938 (4) Factors the department shall consider in awarding
939 grants include, but are not limited to:

940 (a) The availability of matching funds or other in-kind
941 contributions applied to the total project from an applicant. The
942 department shall give greater preference to projects that provide
943 such matching funds or other in-kind contributions.

944 (b) The degree to which the project stimulates in-state
945 capital investment and economic development in metropolitan and
946 rural areas, including the creation of jobs and the future

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947 development of a commercial market for renewable energy
948 technologies.

949 (c) The extent to which the proposed project has been
950 demonstrated to be technically feasible based on pilot project
951 demonstrations, laboratory testing, scientific modeling, or
952 engineering or chemical theory that supports the proposal.

953 (d) The degree to which the project incorporates an
954 innovative new technology or an innovative application of an
955 existing technology.

956 (e) The degree to which a project generates thermal,
957 mechanical, or electrical energy by means of a renewable energy
958 resource that has substantial long-term production potential.

959 (f) The degree to which a project demonstrates efficient
960 use of energy and material resources.

961 (g) The degree to which the project fosters overall
962 understanding and appreciation of renewable energy technologies.

963 (h) The ability to administer a complete project.

964 (i) Project duration and timeline for expenditures.

965 (j) The geographic area in which the project is to be
966 conducted in relation to other projects.

967 (k) The degree of public visibility and interaction.

968 (5) The department shall solicit the expertise of other
969 state agencies in evaluating project proposals. State agencies
970 shall cooperate with the Department of Environmental Protection
971 and provide such assistance as requested.

972 ~~(6) The department shall coordinate and actively consult~~
973 ~~with the Department of Agriculture and Consumer Services during~~
974 ~~the review and approval process of grants relating to bioenergy~~
975 ~~projects for renewable energy technology, and the departments~~

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~~shall jointly determine the grant awards to these bioenergy projects. No grant funding shall be awarded to any bioenergy project without such joint approval. Factors for consideration in awarding grants may include, but are not limited to, the degree to which:~~

~~(a) The project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy.~~

~~(b) The project produces bioenergy from Florida-grown crops or biomass.~~

~~(c) The project demonstrates efficient use of energy and material resources.~~

~~(d) The project fosters overall understanding and appreciation of bioenergy technologies.~~

~~(e) Matching funds and in-kind contributions from an applicant are available.~~

~~(f) The project duration and the timeline for expenditures are acceptable.~~

~~(g) The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.~~

~~(h) Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.~~

Section 20. Section 377.806, Florida Statutes, is amended to read:

377.806 Solar Energy System Incentives Program.--

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(1) PURPOSE.--The Solar Energy System Incentives Program is established within the department to provide financial incentives for the purchase and installation of solar energy systems. Any resident of the state who purchases and installs a new solar energy system of 2 kilowatts or larger for a solar photovoltaic system, a solar energy system that provides at least 50 percent of a building's hot water consumption for a solar thermal system, or a solar thermal pool heater, from July 1, 2006, through June 30, 2010, is eligible for a rebate on a portion of the purchase price of that solar energy system.

(2) SOLAR PHOTOVOLTAIC SYSTEM INCENTIVE.--

(a) Eligibility requirements.--A solar photovoltaic system qualifies for a rebate if:

1. The system is installed by a state-licensed master electrician, electrical contractor, or solar contractor.

2. The system complies with state interconnection standards as provided by the commission.

3. The system complies with all applicable building codes as defined by the local jurisdictional authority.

(b) Rebate amounts.--The rebate amount shall be set at \$4 per watt based on the total wattage rating of the system. The maximum allowable rebate per solar photovoltaic system installation shall be as follows:

1. Twenty thousand dollars for a residence.

2. One hundred thousand dollars for a place of business, a publicly owned or operated facility, or a facility owned or operated by a private, not-for-profit organization, including condominiums or apartment buildings.

(3) SOLAR THERMAL SYSTEM INCENTIVE.--

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1033 (a) Eligibility requirements.--A solar thermal system
1034 qualifies for a rebate if:

1035 1. The system is installed by a state-licensed solar or
1036 plumbing contractor.

1037 2. The system complies with all applicable building codes
1038 as defined by the local jurisdictional authority.

1039 (b) Rebate amounts.--Authorized rebates for installation of
1040 solar thermal systems shall be as follows:

1041 1. Five hundred dollars for a residence.

1042 2. Fifteen dollars per 1,000 Btu up to a maximum of \$5,000
1043 for a place of business, a publicly owned or operated facility,
1044 or a facility owned or operated by a private, not-for-profit
1045 organization, including condominiums or apartment buildings. ~~Btu~~
1046 ~~must be verified by approved metering equipment.~~

1047 (4) SOLAR THERMAL POOL HEATER INCENTIVE.--

1048 (a) Eligibility requirements.--A solar thermal pool heater
1049 qualifies for a rebate if the system is installed by a state-
1050 licensed solar or plumbing contractor and the system complies
1051 with all applicable building codes as defined by the local
1052 jurisdictional authority.

1053 (b) Rebate amount.--Authorized rebates for installation of
1054 solar thermal pool heaters shall be \$100 per installation.

1055 (5) APPLICATION.--To qualify for a rebate, an applicant
1056 must:

1057 (a) Apply for a rebate reservation at least 10 days before
1058 the date of installation of any solar equipment. Homebuilders or
1059 developers may file a single application form for project sites
1060 containing more than 25 homes. For project sites containing

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fewer than 25 homes, the homebuilder or developer must file a separate rebate reservation application for each home; and

(b) Submit a separate application for a rebate payment within 90 days after the installation of any solar equipment. At the time of application for a rebate payment, an applicant may assign the rebate payment to any third party. Such assignment must be made in the space provided on the rebate payment application form. ~~Application for a rebate must be made within 90 days after the purchase of the solar energy equipment.~~

(6) REBATE AVAILABILITY.--The department shall determine and publish on a regular basis the amount of rebate funds remaining in each fiscal year. The total dollar amount of all rebates issued by the department is subject to the total amount of appropriations in any fiscal year for this program. If funds are insufficient during the current fiscal year, any requests for rebates received during that fiscal year may be processed during the following fiscal year. Requests for rebates received in a fiscal year that are processed during the following fiscal year shall be given priority over requests for rebates received during the following fiscal year.

(7) RULES.--The department shall adopt rules pursuant to ss. 120.536(1) and 120.54 to develop rebate applications for rebate reservations and rebate payment and administer the issuance of rebates.

Section 21. Section 403.50663, Florida Statutes, is amended to read:

403.50663 Informational public meetings.--

(1) A local government within whose jurisdiction the power plant is proposed to be sited may hold one informational public

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meeting in addition to the hearings specifically authorized by this act on any matter associated with the electrical power plant proceeding. Such informational public meetings shall be held by the local government or by the regional planning council if the local government does not hold such meeting within 70 days after the filing of the application. The purpose of an informational public meeting is for the local government or regional planning council to further inform the public about the proposed electrical power plant or associated facilities, obtain comments from the public, and formulate its recommendation with respect to the proposed electrical power plant.

(2) Informational public meetings shall be held solely at the option of each local government or regional planning council if a public meeting is not held by the local government. It is the legislative intent that local governments or regional planning councils attempt to hold such public meetings. Parties to the proceedings under this act shall be encouraged to attend; however, no party other than the applicant and the department shall be required to attend such informational public meetings.

(3) A local government or regional planning council that intends to conduct an informational public meeting must provide notice of the meeting to all parties not less than 15 5 days prior to the meeting, and to the general public, in accordance with the provisions of s. 403.5115(5).

(4) The failure to hold an informational public meeting or the procedure used for the informational public meeting is not grounds for the alteration of any time limitation in this act under s. 403.5095 or grounds to deny or condition certification.

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Section 22. Section 403.50665, Florida Statutes, is amended to read:

403.50665 Land use consistency.--

(1) The applicant shall include in the application a statement on the consistency of the site or any directly associated facilities with existing land use plans and zoning ordinances that were in effect on the date the application was filed and a full description of such consistency.

(2) Within 45 days after the filing of the application, each local government shall file a determination with the department, the applicant, the administrative law judge, and all parties on the consistency of the site or any directly associated facilities with existing land use plans and zoning ordinances that were in effect on the date the application was filed, based on the information provided in the application. The local government may issue its determination up to 35 days later if the local government has requested additional information on land use and zoning consistency as part of the local government's statement on completeness of the application submitted pursuant to s. 403.5066(1)(a). Incompleteness of information necessary for a local government to evaluate an application may be claimed by the local government as cause for a statement of inconsistency with existing land use plans and zoning ordinances. Notice of the consistency determination shall be published in accordance with the requirements of s. 403.5115.

(3) If the local government issues a determination that the proposed electrical power plant is not consistent or in compliance with local land use plans and zoning ordinances, the applicant may apply to the local government for the necessary

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1147 local approval to address the inconsistencies in the local
1148 government's determination. If the applicant makes such an
1149 application to the local government, the time schedules under
1150 this act shall be tolled until the local government issues its
1151 revised determination on land use and zoning or the applicant
1152 otherwise withdraws its application to the local government. If
1153 the applicant applies to the local government for necessary local
1154 land use or zoning approval, the local government shall issue a
1155 revised determination within 30 days following the conclusion of
1156 that local proceeding, and the time schedules and notice
1157 requirements under this act shall apply to such revised
1158 determination.

1159 (4) If any substantially affected person wishes to dispute
1160 the local government's determination, he or she shall file a
1161 petition with the designated administrative law judge ~~department~~
1162 within 21 days after the publication of notice of the local
1163 government's determination. If a hearing is requested, the
1164 provisions of s. 403.508(1) shall apply.

1165 (5) The dates in this section may be altered upon agreement
1166 between the applicant, the local government, and the department
1167 pursuant to s. 403.5095.

1168 (6) If it is determined by the local government that the
1169 proposed site or directly associated facility does conform with
1170 existing land use plans and zoning ordinances in effect as of the
1171 date of the application and no petition has been filed, the
1172 responsible zoning or planning authority shall not thereafter
1173 change such land use plans or zoning ordinances so as to
1174 foreclose construction and operation of the proposed site or

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1175 directly associated facilities unless certification is
1176 subsequently denied or withdrawn.

1177 Section 23. Section 403.508, Florida Statutes, is amended
1178 to read:

1179 403.508 Land use and certification hearings, parties,
1180 participants.--

1181 (1)(a) Within 5 days of the filing of ~~If~~ a petition for a
1182 hearing on land use ~~has been filed~~ pursuant to s. 403.50665, the
1183 designated administrative law judge shall schedule ~~conduct~~ a land
1184 use hearing to be conducted in the county of the proposed site or
1185 directly associated facility, as applicable, as expeditiously as
1186 possible, but not later than 30 days after the department's
1187 receipt of the petition. The place of such hearing shall be as
1188 close as possible to the proposed site or directly associated
1189 facility. If a petition is filed, the hearing shall be held
1190 regardless of the status of the completeness of the application.
1191 ~~However, incompleteness of information necessary for a local~~
1192 ~~government to evaluate an application may be claimed by the local~~
1193 ~~government as cause for a statement of inconsistency with~~
1194 ~~existing land use plans and zoning ordinances under s. 403.50665.~~

1195 (b) Notice of the land use hearing shall be published in
1196 accordance with the requirements of s. 403.5115.

1197 (c) The sole issue for determination at the land use
1198 hearing shall be whether or not the proposed site is consistent
1199 and in compliance with existing land use plans and zoning
1200 ordinances. If the administrative law judge concludes that the
1201 proposed site is not consistent or in compliance with existing
1202 land use plans and zoning ordinances, the administrative law
1203 judge shall receive at the hearing evidence on, and address in

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the recommended order any changes to or approvals or variances under, the applicable land use plans or zoning ordinances which will render the proposed site consistent and in compliance with the local land use plans and zoning ordinances.

(d) The designated administrative law judge's recommended order shall be issued within 30 days after completion of the hearing and shall be reviewed by the board within 60 days after receipt of the recommended order by the board.

(e) If it is determined by the board that the proposed site does conform with existing land use plans and zoning ordinances in effect as of the date of the application, or as otherwise provided by this act, the responsible zoning or planning authority shall not thereafter change such land use plans or zoning ordinances so as to foreclose construction and operation of the proposed electrical power plant on the proposed site or directly associated facilities unless certification is subsequently denied or withdrawn.

(f) If it is determined by the board that the proposed site does not conform with existing land use plans and zoning ordinances, the board may, if it determines after notice and hearing and upon consideration of the recommended order on land use and zoning issues that it is in the public interest to authorize the use of the land as a site for an electrical power plant, authorize a variance or other necessary approval to the adopted land use plan and zoning ordinances required to render the proposed site consistent with local land use plans and zoning ordinances. The board's action shall not be controlled by any other procedural requirements of law. In the event a variance or other approval is denied by the board, it shall be the

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1233 responsibility of the applicant to make the necessary application
1234 for any approvals determined by the board as required to make the
1235 proposed site consistent and in compliance with local land use
1236 plans and zoning ordinances. No further action may be taken on
1237 the complete application until the proposed site conforms to the
1238 adopted land use plan or zoning ordinances or the board grants
1239 relief as provided under this act.

1240 (2)(a) A certification hearing shall be held by the
1241 designated administrative law judge no later than 265 days after
1242 the application is filed with the department. The certification
1243 hearing shall be held at a location in proximity to the proposed
1244 site. ~~At the conclusion of the certification hearing, the~~
1245 ~~designated administrative law judge shall, after consideration of~~
1246 ~~all evidence of record, submit to the board a recommended order~~
1247 ~~no later than 45 days after the filing of the hearing transcript.~~

1248 (b) Notice of the certification hearing and notice of the
1249 deadline for filing of notice of intent to be a party shall be
1250 made in accordance with the requirements of s. 403.5115.

1251 (3)(a) Parties to the proceeding shall include:

- 1252 1. The applicant.
- 1253 2. The Public Service Commission.
- 1254 3. The Department of Community Affairs.
- 1255 4. The Fish and Wildlife Conservation Commission.
- 1256 5. The water management district.
- 1257 6. The department.
- 1258 7. The regional planning council.
- 1259 8. The local government.
- 1260 9. The Department of Transportation.

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(b) Any party listed in paragraph (a) other than the department or the applicant may waive its right to participate in these proceedings. If such listed party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing, such party shall be deemed to have waived its right to be a party.

(c) Notwithstanding the provisions of chapter 120, upon the filing with the administrative law judge of a notice of intent to be a party no later than 75 days after the application is filed, the following shall also be parties to the proceeding:

1. Any agency not listed in paragraph (a) as to matters within its jurisdiction.

2. Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed electrical power plant is to be located.

(d) Notwithstanding paragraph (e), failure of an agency described in subparagraph (c)1. to file a notice of intent to be a party within the time provided herein shall constitute a waiver of the right of that agency to participate as a party in the proceeding.

(e) Other parties may include any person, including those persons enumerated in paragraph (c) who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and

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who timely file a motion to intervene pursuant to chapter 120 and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing.

(f) Any agency, including those whose properties or works are being affected pursuant to s. 403.509(4), shall be made a party upon the request of the department or the applicant.

(4)(a) The order of presentation at the certification hearing, unless otherwise changed by the administrative law judge to ensure the orderly presentation of witnesses and evidence, shall be:

1. The applicant.
2. The department.
3. State agencies.
4. Regional agencies, including regional planning councils and water management districts.
5. Local governments.
6. Other parties.

(b) When appropriate, any person may be given an opportunity to present oral or written communications to the designated administrative law judge. If the designated administrative law judge proposes to consider such communications, then all parties shall be given an opportunity to cross-examine or challenge or rebut such communications.

(5) At the conclusion of the certification hearing, the designated administrative law judge shall, after consideration of

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1318 all evidence of record, submit to the board a recommended order
1319 no later than 45 days after the filing of the hearing transcript.

1320 (6)(a) No earlier than 29 days prior to the conduct of the
1321 certification hearing, the department or the applicant may
1322 request that the administrative law judge cancel the
1323 certification hearing and relinquish jurisdiction to the
1324 department if all parties to the proceeding stipulate that there
1325 are no disputed issues of fact or law to be raised at the
1326 certification hearing, and if sufficient time remains for the
1327 applicant and the department to publish public notices of the
1328 cancellation of the hearing at least 3 days prior to the
1329 scheduled date of the hearing.

1330 (b) The administrative law judge shall issue an order
1331 granting or denying the request within 5 days after receipt of
1332 the request.

1333 (c) If the administrative law judge grants the request, the
1334 department and the applicant shall publish notices of the
1335 cancellation of the certification hearing, in accordance with s.
1336 403.5115.

1337 (d)1. If the administrative law judge grants the request,
1338 the department shall prepare and issue a final order in
1339 accordance with s. 403.509(1)(a).

1340 2. Parties may submit proposed recommended orders to the
1341 department no later than 10 days after the administrative law
1342 judge issues an order relinquishing jurisdiction.

1343 (7) The applicant shall pay those expenses and costs
1344 associated with the conduct of the hearings and the recording and
1345 transcription of the proceedings.

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(8) In issuing permits under the federally approved new source review or prevention of significant deterioration permit program, the department shall observe the procedures specified under the federally approved state implementation plan, including public notice, public comment, public hearing, and notice of applications and amendments to federal, state, and local agencies, to assure that all such permits issued in coordination with the certification of a power plant under this act are federally enforceable and are issued after opportunity for informed public participation regarding the terms and conditions thereof. When possible, any hearing on a federally approved or delegated program permit such as new source review, prevention of significant deterioration permit, or NPDES permit shall be conducted in conjunction with the certification hearing held under this act. It is the intent of the Legislature that the review, processing, and issuance of such federally delegated or approved permits be closely coordinated with the certification process established under this part. In the event of a conflict between the certification process and federally required procedures, the applicable federal requirements shall control.

Section 24. Section 403.509, Florida Statutes, is amended to read:

403.509 Final disposition of application.--

(1)(a) If the administrative law judge has granted a request to cancel the certification hearing and has relinquished jurisdiction to the department under the provisions of s. 403.508(6), within 40 days thereafter, the secretary of the department shall act upon the application by written order in

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accordance with the terms of this act and the stipulation of the parties in requesting cancellation of the certification hearing.

(b) If the administrative law judge has not granted a request to cancel the certification hearing under the provisions of s. 403.508(6), within 60 days after receipt of the designated administrative law judge's recommended order, the board shall act upon the application by written order, approving or denying certification, in accordance with the terms of this act, and stating the reasons for issuance or denial. If certification is denied, the board shall set forth in writing the action the applicant would have to take to secure the board's approval of the application.

(2) The issues that may be raised in any hearing before the board shall be limited to those matters raised in the certification proceeding before the administrative law judge or raised in the recommended order. All parties, or their representatives, or persons who appear before the board shall be subject to the provisions of s. 120.66.

(3) In determining whether an application should be approved in whole, approved with modifications or conditions, or denied, the board, or secretary when applicable, shall consider whether, and the extent to which, the location of the electrical power plant and directly associated facilities and their construction and operation will:

(a) Provide reasonable assurance that operational safeguards are technically sufficient for the public welfare and protection.

(b) Comply with applicable nonprocedural requirements of agencies.

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(c) Be consistent with applicable local government comprehensive plans and land development regulations.

(d) Meet the electrical energy needs of the state in an orderly and timely fashion.

(e) Effect a reasonable balance between the need for the facility as established pursuant to s. 403.519 and the impacts upon air and water quality, fish and wildlife, water resources, and other natural resources of the state resulting from the construction and operation of the facility.

(f) Minimize, through the use of reasonable and available methods, the adverse effects on human health, the environment, and the ecology of the land and its wildlife and the ecology of state waters and their aquatic life.

(g) Serve and protect the broad interests of the public.

(4) The department's action on a federally required new source review or prevention of significant deterioration permit shall differ from the actions taken by the siting board regarding the certification if the federally approved state implementation plan requires such a different action to be taken by the department. Nothing in this part shall be construed to displace the department's authority as the final permitting entity under the federally approved permit program. Nothing in this part shall be construed to authorize the issuance of a new source review or prevention of significant deterioration permit which does not conform to the requirements of the federally approved state implementation plan.

(5) For certifications which are issued by the board, in ~~in~~ regard to the properties and works of any agency which is a party to the certification hearing, the board shall have the authority

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to decide issues relating to the use, the connection thereto, or the crossing thereof, for the electrical power plant and directly associated facilities and to direct any such agency to execute, within 30 days after the entry of certification, the necessary license or easement for such use, connection, or crossing, subject only to the conditions set forth in such certification. For certifications which are issued by the department, in regard to the properties and works of any agency which is a party to proceeding, any stipulation filed pursuant to s. 403.508(6)(a) must include a stipulation regarding any issues relating to the use, the connection thereto, or the crossing thereof, for the electrical power plant and directly associated facilities. Any agency stipulating to the use, connection to, or crossing of its property must agree to execute, within 30 days after the entry of certification, the necessary license or easement for such use, connection, or crossing, subject only to the conditions set forth in such certification.

(6) The issuance or denial of the certification by the board or secretary of the department shall be the final administrative action required as to that application.

Section 25. Section 403.5113, Florida Statutes, is amended to read:

403.5113 Postcertification amendments and review.--

(1) Postcertification amendments. --

(a) If, subsequent to certification by the board, a licensee proposes any material change to the application and revisions or amendments thereto, as certified, the licensee shall submit a written request for amendment and a description of the proposed change to the application to the department. Within 30

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1461 days after the receipt of the request for the amendment, the
1462 department shall determine whether the proposed change to the
1463 application requires a modification of the conditions of
1464 certification.

1465 (b)~~(2)~~ If the department concludes that the change would
1466 not require a modification of the conditions of certification,
1467 the department shall provide written notification of the
1468 determination on approval of the proposed amendment to the
1469 licensee, all agencies, and all other parties.

1470 (c)~~(3)~~ If the department concludes that the change would
1471 require a modification of the conditions of certification, the
1472 department shall provide written notification to the licensee
1473 that the proposed change to the application requires a request
1474 for modification pursuant to s. 403.516.

1475 (2)~~(4)~~ Postcertification submittals filed by the licensee
1476 with one or more agencies are for the purpose of monitoring for
1477 compliance with the issued certification and must be reviewed by
1478 the agencies on an expedited and priority basis because each
1479 facility certified under this act is a critical infrastructure
1480 facility. In no event shall a postcertification review be
1481 completed in more than 90 days after complete information is
1482 submitted to the reviewing agencies.

1483 Section 26. Subsection (4) of section 403.5115, Florida
1484 Statutes, is amended, and subsection (5) is added to that
1485 section, to read:

1486 403.5115 Public notice.--

1487 (4) The department shall arrange for publication of the
1488 following notices in the manner specified by chapter 120 and
1489 provide copies of those notices to any persons who have requested

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1490 to be placed on the departmental mailing list for this purpose
1491 for each case for which an application has been received by the
1492 department:

1493 (a) Notice of the filing of the notice of intent within 15
1494 days after receipt of the notice.

1495 (b) Notice of the filing of the application, no later than
1496 21 days after the application filing.

1497 (c) Notice of the land use determination made pursuant to
1498 s. 403.50665(1) within 21 days after the determination is filed.

1499 (d) Notice of the land use hearing before the
1500 administrative law judge, if applicable, no later than 15 days
1501 before the hearing.

1502 (e) Notice of the land use hearing before the board, if
1503 applicable.

1504 (f) Notice of the certification hearing at least 45 days
1505 before the date set for the certification hearing.

1506 (g) Notice of the cancellation of the certification
1507 hearing, if applicable, no later than 3 days prior to the date of
1508 the originally scheduled certification hearing.

1509 (h) Notice of the hearing before the board, if applicable.

1510 (i) Notice of stipulations, proposed agency action, or
1511 petitions for modification.

1512 (5) A local government or regional planning council that
1513 proposes to conduct an informational public meeting pursuant to
1514 s. 403.50663 must publish notice of the meeting in a newspaper of
1515 general circulation within the county or counties in which the
1516 proposed electrical power plant will be located no later than 7
1517 days prior to the meeting. A newspaper of general circulation
1518 shall be the newspaper which has the largest daily circulation in

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that county and has its principal office in that county. If the newspaper with the largest daily circulation has its principal office outside the county, the notices shall appear in both the newspaper having the largest circulation in that county and in a newspaper authorized to publish legal notices in that county.

Section 27. Subsection (1) of section 403.5252, Florida Statutes, is amended to read:

403.5252 Determination of completeness.--

(1)(a) Within 30 days after the filing ~~distribution~~ of an application, the affected agencies shall file a statement with the department containing the recommendations of each agency concerning the completeness of the application for certification.

(b) Within 37 ~~7~~ days after the filing ~~receipt~~ of the application ~~completeness statements of each agency~~, the department shall file a statement with the Division of Administrative Hearings, with the applicant, and with all parties declaring its position with regard to the completeness of the application. The statement of the department shall be based upon its consultation with the affected agencies.

Section 28. Subsection (6) of section 403.527, Florida Statutes, is amended to read:

403.527 Certification hearing, parties, participants.--

(6)(a) No later than 29 ~~25~~ days before the certification hearing, the department or the applicant may request that the administrative law judge cancel the certification hearing and relinquish jurisdiction to the department if all parties to the proceeding stipulate that there are no disputed issues of material fact or law to be raised at the certification hearing.

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(b) The administrative law judge shall issue an order granting or denying the request within 5 days.

(c) If the administrative law judge grants the request, the department and the applicant shall publish notices of the cancellation of the certification hearing in accordance with s. 403.5363.

(d)1. If the administrative law judge grants the request, the department shall prepare and issue a final order in accordance with s. 403.529(1)(a).

2. Parties may submit proposed final orders to the department no later than 10 days after the administrative law judge issues an order relinquishing jurisdiction.

Section 29. Subsection (1) of section 403.5271, Florida Statutes, is amended to read:

403.5271 Alternate corridors.--

(1) No later than 45 days before the originally scheduled certification hearing, any party may propose alternate transmission line corridor routes for consideration under the provisions of this act.

(a) A notice of a proposed alternate corridor must be filed with the administrative law judge, all parties, and any local governments in whose jurisdiction the alternate corridor is proposed. The filing must include the most recent United States Geological Survey 1:24,000 quadrangle maps specifically delineating the corridor boundaries, a description of the proposed corridor, and a statement of the reasons the proposed alternate corridor should be certified.

(b)1. Within 7 days after receipt of the notice, the applicant and the department shall file with the administrative

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law judge and all parties a notice of acceptance or rejection of a proposed alternate corridor for consideration. If the alternate corridor is rejected by the applicant or the department, the certification hearing and the public hearings shall be held as scheduled. If both the applicant and the department accept a proposed alternate corridor for consideration, the certification hearing and the public hearings shall be rescheduled, if necessary.

2. If rescheduled, the certification hearing shall be held no more than 90 days after the previously scheduled certification hearing, unless the data submitted under paragraph (d) is determined to be incomplete, in which case the rescheduled certification hearing shall be held no more than 105 days after the previously scheduled certification hearing. If additional time is needed due to the alternate corridor crossing a local government jurisdiction that was not previously affected, the remainder of the schedule listed below shall be appropriately adjusted by the administrative law judge to allow that local government to prepare a report pursuant to s. 403.526(2)(a)5.

(c) Notice of the filing of the alternate corridor, of the revised time schedules, of the deadline for newly affected persons and agencies to file notice of intent to become a party, of the rescheduled hearing date, and of the proceedings shall be published in accordance with s. 403.5363.

(d) Within 21 days after acceptance of an alternate corridor by the department and the applicant, the party proposing an alternate corridor shall have the burden of providing all data to the agencies listed in s. 403.526(2) and newly affected

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1604 agencies necessary for the preparation of a supplementary report
1605 on the proposed alternate corridor.

1606 (e)1. Reviewing agencies shall advise the department of any
1607 issues concerning completeness no later than 15 days after the
1608 submittal of the data required by paragraph (d). Within 22 days
1609 after receipt of the data, the department shall issue a
1610 determination of completeness.

1611 2. If the department determines that the data required by
1612 paragraph (d) is not complete, the party proposing the alternate
1613 corridor must file such additional data to correct the
1614 incompleteness. This additional data must be submitted within 14
1615 days after the determination by the department.

1616 3. Reviewing agencies may advise the department of any
1617 issues concerning completeness of the additional data within 10
1618 days after the filing by the applicant. If the department,
1619 within 14 days after receiving the additional data, determines
1620 that the data remains incomplete, the incompleteness of the data
1621 is deemed a withdrawal of the proposed alternate corridor. The
1622 department may make its determination based on recommendations
1623 made by other affected agencies.

1624 (f) The agencies listed in s. 403.526(2) and any newly
1625 affected agencies shall file supplementary reports with the
1626 applicant and the department which address the proposed alternate
1627 corridors no later than 24 days after the data submitted pursuant
1628 to paragraph (d) or paragraph (e) is determined to be complete.

1629 (g) The agency reports on alternate corridors must include
1630 all information required by s. 403.526(2).

1631 (h) When an agency whose agency head is a collegial body,
1632 such as a commission, board, or council, is required to submit a

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report pursuant to this section and is required by its own internal procedures to have the report reviewed by its agency head prior to finalization, the agency may submit to the department a draft version of the report by the deadline indicated in paragraph (f), and shall submit a final version of the report after review by the agency head no later than 7 days after the deadline indicated in paragraph (f).

(i) The department shall file with the administrative law judge, the applicant, and all parties a project analysis consistent with s. 403.526(3) no more than 16 days after submittal of agency reports on the proposed alternate corridor.

Section 30. Subsection (1) of section 403.5317, Florida Statutes, is amended to read:

403.5317 Postcertification activities.--

(1)(a) If, subsequent to certification, a licensee proposes any material change to the application or prior amendments, the licensee shall submit to the department a written request for amendment and description of the proposed change to the application. The department shall, within 30 days after the receipt of the request for the amendment, determine whether the proposed change to the application requires a modification of the conditions of certification.

(b) If the department concludes that the change would not require a modification of the conditions of certification, the department shall notify, in writing, the licensee, all agencies, and all parties of the determination on approval of the amendment.

(c) If the department concludes that the change would require a modification of the conditions of certification, the

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department shall notify the licensee that the proposed change to the application requires a request for modification under s. 403.5315.

Section 31. Subsection (3) of section 403.5363, Florida Statutes, is amended to read:

403.5363 Public notices; requirements.--

(3) The department shall arrange for the publication of the following notices in the manner specified by chapter 120:

(a) The notice of the filing of an application and the date by which a person intending to become a party must file a petition to intervene or a notice of intent to be a party. The notice must be published no later than 21 days after the application has been filed.

(b) The notice of any administrative hearing for certification, if applicable. The notice must be published not less than 65 days before the date set for a hearing, except that notice for a rescheduled certification hearing after acceptance of an alternative corridor must be published not less than 50 days before the date set for the hearing.

(c) The notice of the cancellation of a certification hearing, if applicable. The notice must be published not later than 3 7 days before the date of the originally scheduled certification hearing.

(d) The notice of the hearing before the siting board, if applicable.

(e) The notice of stipulations, proposed agency action, or a petition for modification.

Section 32. Section 489.145, Florida Statutes, is amended to read:

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1691 489.145 Guaranteed energy performance savings contracting.--

1692 (1) SHORT TITLE.--This section may be cited as the
1693 "Guaranteed Energy Performance Savings Contracting Act."

1694 (2) LEGISLATIVE FINDINGS.--The Legislature finds that
1695 investment in energy conservation measures in agency facilities
1696 can reduce the amount of energy consumed and produce immediate
1697 and long-term savings. It is the policy of this state to
1698 encourage agencies to invest in energy conservation measures that
1699 reduce energy consumption, or produce a cost savings for the
1700 agency, and improve the quality of indoor air in public
1701 facilities and to operate, maintain, and, when economically
1702 feasible, build or renovate existing agency facilities in such a
1703 manner as to minimize energy consumption and maximize energy
1704 savings. It is further the policy of this state to encourage
1705 agencies to reinvest any energy savings resulting from energy
1706 conservation measures in additional energy conservation efforts.

1707 (3) DEFINITIONS.--As used in this section, the term:

1708 (a) "Agency" means the state, a municipality, or a
1709 political subdivision.

1710 (b) "Energy conservation measure" means ~~a training program,~~
1711 facility alteration, or equipment purchase to be used in new
1712 construction, including an addition to an existing facility,
1713 which reduces energy or energy related operating costs and
1714 includes, but is not limited to:

1715 1. Insulation of the facility structure and systems within
1716 the facility.

1717 2. Storm windows and doors, caulking or weatherstripping,
1718 multiglazed windows and doors, heat-absorbing, or heat-
1719 reflective, glazed and coated window and door systems, additional

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1720 glazing, reductions in glass area, and other window and door
 1721 system modifications that reduce energy consumption.
 1722 3. Automatic energy control systems.
 1723 4. Heating, ventilating, or air-conditioning system
 1724 modifications or replacements.
 1725 5. Replacement or modifications of lighting fixtures to
 1726 increase the energy efficiency of the lighting system, which, at
 1727 a minimum, must conform to the applicable state or local building
 1728 code.
 1729 6. Energy recovery systems.
 1730 7. Cogeneration systems that produce steam or forms of
 1731 energy such as heat, as well as electricity, for use primarily
 1732 within a facility or complex of facilities.
 1733 8. Energy conservation measures that significantly reduce
 1734 Btu/KWH consumed and provide long-term operating cost reductions.
 1735 ~~or significantly reduce Btu consumed.~~
 1736 9. Renewable energy systems, such as solar, biomass, or
 1737 wind systems.
 1738 10. Devices that reduce water consumption or sewer charges.
 1739 11. Storage systems, such as fuel cells and thermal
 1740 storage.
 1741 12. Generating technologies, such as microturbines.
 1742 13. Any other repair, replacement, or upgrade of existing
 1743 equipment.
 1744 (c) "Energy cost savings" means a measured reduction in the
 1745 cost of fuel, energy consumption, and stipulated operation and
 1746 maintenance created from the implementation of one or more energy
 1747 conservation measures when compared with an established baseline

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for the previous cost of fuel, energy consumption, and stipulated operation and maintenance.

(d) "Guaranteed energy performance savings contract" means a contract for the evaluation, recommendation, and implementation of energy conservation measures or energy related operational saving measures, which, at a minimum, shall include:

1. The design and installation of equipment to implement one or more of such measures and, if applicable, operation and maintenance of such measures.

2. The amount of any actual annual savings that meet or exceed total annual contract payments made by the agency for the contract but shall not include cost avoidance.

3. The finance charges incurred by the agency over the life of the contract.

(e) "Guaranteed energy performance savings contractor" means a person or business that is licensed under chapter 471, chapter 481, or this chapter, and is experienced in the analysis, design, implementation, or installation of energy conservation measures through energy performance contracts.

(4) PROCEDURES.--

(a) An agency may enter into a guaranteed energy performance savings contract with a guaranteed energy performance savings contractor to significantly reduce energy consumption or energy related operating costs of an agency facility through one or more energy conservation measures.

(b) Before design and installation of energy conservation measures, the agency must obtain from a guaranteed energy performance savings contractor a report that summarizes the costs associated with the energy conservation measures or energy

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1777 related operational cost saving measures and provides an estimate
1778 of the amount of the ~~energy~~ cost savings. The agency and the
1779 guaranteed energy performance savings contractor may enter into a
1780 separate agreement to pay for costs associated with the
1781 preparation and delivery of the report; however, payment to the
1782 contractor shall be contingent upon the report's projection of
1783 energy or operational cost savings being equal to or greater than
1784 the total projected costs of the design and installation of the
1785 report's energy conservation measures.

1786 (c) The agency may enter into a guaranteed energy
1787 performance savings contract with a guaranteed energy performance
1788 savings contractor if the agency finds that the amount the agency
1789 would spend on the energy conservation or energy related cost
1790 saving measures will not likely exceed the amount of the energy
1791 or energy related cost savings for up to 20 years from the date
1792 of installation, based on the life cycle cost calculations
1793 provided in s. 255.255, if the recommendations in the report were
1794 followed and if the qualified provider or providers give a
1795 written guarantee that the energy or energy related cost savings
1796 will meet or exceed the costs of the system. The contract may
1797 provide for installment payments for a period not to exceed 20
1798 years.

1799 (d) A guaranteed energy performance savings contractor must
1800 be selected in compliance with s. 287.055; except that if fewer
1801 than three firms are qualified to perform the required services,
1802 the requirement for agency selection of three firms, as provided
1803 in s. 287.055(4)(b), and the bid requirements of s. 287.057 do
1804 not apply.

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(e) Before entering into a guaranteed energy performance savings contract, an agency must provide published notice of the meeting in which it proposes to award the contract, the names of the parties to the proposed contract, and the contract's purpose.

(f) A guaranteed energy performance savings contract may provide for financing, including tax exempt financing, by a third party. The contract for third party financing may be separate from the energy performance contract. A separate contract for third party financing must include a provision that the third party financier must not be granted rights or privileges that exceed the rights and privileges available to the guaranteed energy performance savings contractor. Financing for guaranteed energy performance savings contracts may be provided under the authority of s. 287.064. The Office of the Chief Financial Officer will review proposals to ensure the most effective financing is being used.

(g) In determining the amount the agency will finance to acquire the energy conservation measures, the agency may reduce such amount by the application of any grant moneys, rebates, or capital funding available to the agency for the purpose of buying down the cost of the guaranteed energy performance savings contract. However, in calculating the life cycle cost as required in paragraph (c), the agency shall not apply any grants, rebates, or capital funding.

(5) CONTRACT PROVISIONS.--

(a) A guaranteed energy performance savings contract must include a written guarantee that may include, but is not limited to the form of, a letter of credit, insurance policy, or corporate guarantee by the guaranteed energy performance savings

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1834 contractor that annual energy cost savings will meet or exceed
1835 the amortized cost of energy conservation measures.

1836 (b) The guaranteed energy performance savings contract must
1837 provide that all payments, except obligations on termination of
1838 the contract before its expiration, may be made over time, but
1839 not to exceed 20 years from the date of complete installation and
1840 acceptance by the agency, and that the annual savings are
1841 guaranteed to the extent necessary to make annual payments to
1842 satisfy the guaranteed energy performance savings contract.

1843 (c) The guaranteed energy performance savings contract must
1844 require that the guaranteed energy performance savings contractor
1845 to whom the contract is awarded provide a 100-percent public
1846 construction bond to the agency for its faithful performance, as
1847 required by s. 255.05.

1848 (d) The guaranteed energy performance savings contract may
1849 contain a provision allocating to the parties to the contract any
1850 annual energy cost savings that exceed the amount of the energy
1851 cost savings guaranteed in the contract.

1852 (e) The guaranteed energy performance savings contract
1853 shall require the guaranteed energy performance savings
1854 contractor to provide to the agency an annual reconciliation of
1855 the guaranteed energy or energy related cost savings. If the
1856 reconciliation reveals a shortfall in annual energy or energy
1857 related cost savings, the guaranteed energy performance savings
1858 contractor is liable for such shortfall. If the reconciliation
1859 reveals an excess in annual ~~energy~~ cost savings, the excess
1860 savings may be allocated under paragraph (d) but may not be used
1861 to cover potential energy cost savings shortages in subsequent
1862 contract years.

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(f) The guaranteed energy performance savings contract must provide for payments of not less than one-twentieth of the price to be paid within 2 years from the date of the complete installation and acceptance by the agency using straight-line amortization for the term of the loan, and the remaining costs to be paid at least quarterly, not to exceed a 20-year term, based on life cycle cost calculations.

(g) The guaranteed energy performance savings contract may extend beyond the fiscal year in which it becomes effective; however, the term of any contract expires at the end of each fiscal year and may be automatically renewed annually for up to 20 years, subject to the agency making sufficient annual appropriations based upon continued realized energy savings.

(h) The guaranteed energy performance savings contract must stipulate that it does not constitute a debt, liability, or obligation of the state.

(6) PROGRAM ADMINISTRATION AND CONTRACT REVIEW.--The Department of Management Services, with the assistance of the Office of the Chief Financial Officer, may, within available resources, provide technical assistance to state agencies contracting for energy conservation measures and engage in other activities considered appropriate by the department for promoting and facilitating guaranteed energy performance contracting by state agencies. The Office of the Chief Financial Officer, with the assistance of the Department of Management Services, will ~~may, within available resources,~~ develop model contractual and related documents for use by state agencies. Prior to entering into a guaranteed energy performance savings contract, any contract or lease for third-party financing, or any combination

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of such contracts, a state agency shall submit such proposed contract or lease to the Office of the Chief Financial Officer for review and approval that includes the following.

(a) Supporting information required by s. 216.023(4)(a)9., F.S.

(b) Documentation supporting recurring funds requirements in ss. 287.063(5) and 287.064(11), F.S.

(c) Approval by agency head or designee.

Section 33. Section 526.302, Florida Statutes, is amended to read:

526.302 Legislative findings and intent.--The Legislature finds that fair and healthy competition in the marketing of motor fuel provides maximum benefits to consumers in this state, and that certain marketing practices which impair such competition are contrary to the public interest. Predatory practices and, under certain conditions, discriminatory practices, are unfair trade practices and restraints which adversely affect motor fuel competition. It is the intent of the Legislature to encourage competition and promote the general welfare of citizens of this state by prohibiting such unfair practices. The Legislature also intends to facilitate compliance with the Renewable Fuels Standard in the federal Energy Policy Act of 2005 and the Renewable Fuel Standards established in s. 212.099.

Section 34. Subsection (5) of section 526.303, Florida Statutes, is amended to read:

526.303 Definitions.--As used in this act:

(5) "Motor fuel" means any petroleum product containing less than 10 percent by volume of ethanol or biodiesel, including

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any special fuel, which is used for the propulsion of motor vehicles.

Section 35. Section 526.309, Florida Statutes, is amended to read:

526.309 Exempt sales.--The Motor Fuel Marketing Practice Act ~~provisions of this act~~ shall not apply to:

(1) The following retail sales by a refiner:

~~(a)(1)~~ A bona fide clearance sale for the purpose of discontinuing trade in such motor fuel.

~~(b)(2)~~ A final business liquidation sale.

~~(c)(3)~~ A sale of the refiner's motor fuel by a fiduciary or other officer under the order or direction of any court.

~~(d)(4)~~ Sales made during a grand opening to introduce a new or remodeled business not to exceed 3 days, which grand opening shall be held within 60 days from the date the new or remodeled business begins operations.

(2) Sales of a blend of ethanol and gasoline in which the percentage of ethanol by volume is 10 percent or more and which is designated as EXX, substituting a number that represents the percentage of ethanol in the blend for the XX so that, for example, a blend having a volume of 10 percent ethanol is designated as E10.

(3) Sales of biodiesel.

(4) Sales of a blend of biodiesel and gasoline in which the percentage of biodiesel by volume is 10 percent or more and which is designated as BXX, substituting a number that represents the percentage of biodiesel in the blend for the XX so that, for example, a blend having a volume of 10 percent biodiesel is designated as B10.

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Section 36. Section 570.956, Florida Statutes, is created to read:

570.956 Farm-to-Fuel Advisory Council.--

(1) The Farm-to-Fuel Advisory Council is created within the department to provide advice and counsel to the commissioner concerning the production of renewable energy in this state. The advisory council consists of 13 members who shall be appointed by the commissioner for 4-year terms or until a successor is duly qualified and appointed. Members shall include:

(a) One citizen-at-large member who shall represent the views of the public toward renewable energy.

(b) Six members each of whom is a producer or grower actively engaged in the agricultural area of one of the following industries:

1. Sugarcane.

2. Citrus.

3. Field crops.

4. Dairy.

5. Livestock or poultry.

6. Forestry.

(c) One member who represents the petroleum industry or who is actively engaged in the trade of petroleum products.

(d) One member who represents public utilities or the electric power industry.

(e) Two members who represent colleges and universities in this state and who are engaged in research involving alternative fuels or renewable energy.

(f) One member who represents the environmental community or an environmental organization.

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1978 (g) The Governor shall appoint one member.
 1979 (2) The council is an advisory committee the operation of
 1980 which is governed by s. 570.0705.
 1981 Section 37. Section 570.957, Florida Statutes, is created
 1982 to read:
 1983 570.957 Farm-to-Fuel Grants Program.--
 1984 (1) Definitions.--As used in this section, the term:
 1985 (a) "Bioenergy" means useful, renewable energy produced
 1986 from organic matter - the conversion of the complex carbohydrates
 1987 in organic matter to energy. Organic matter may either be used
 1988 directly as a fuel, processed into liquids and gasses, or be a
 1989 residual of processing and conversion.
 1990 (b) "Department" means the Department of Agriculture and
 1991 Consumer Services.
 1992 (c) "Person" means an individual, partnership, joint
 1993 venture, private or public corporation, association, firm, public
 1994 service company, or any other public or private entity.
 1995 (d) "Renewable energy" means electrical, mechanical, or
 1996 thermal energy produced from a method that uses one or more of
 1997 the following fuels or energy sources: hydrogen, biomass, solar
 1998 energy, geothermal energy, wind energy, ocean energy, waste heat,
 1999 or hydroelectric power.
 2000 (2) The Farm-to-Fuel Grants Program is established within
 2001 the Department of Agriculture and Consumer Services to provide
 2002 renewable energy matching grants for demonstration,
 2003 commercialization, research, and development projects relating to
 2004 bioenergy projects.

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(a) Matching grants for bioenergy demonstration, commercialization, research, and development projects may be made to any of the following:

1. Municipalities and county governments.
2. Established for-profit companies licensed to do business in the state.
3. Universities and colleges in the state.
4. Utilities located and operating within the state.
5. Not-for-profit organizations.
6. Other qualified persons, as determined by the Department of Agriculture and Consumer Services.

(b) The Department of Agriculture and Consumer Services may adopt rules pursuant to ss. 120.536(1) and 120.54 to provide for allocation of grant funds by project type, application requirements, ranking of applications, and awarding of grants under this program.

(c) Factors for consideration in awarding grants may include, but are not limited to, the degree to which:

1. The project produces bioenergy from Florida-grown crops or biomass.
2. The project demonstrates efficient use of energy and material resources.
3. Matching funds and in-kind contributions from an applicant are available.
4. The project has a reasonable assurance of enhancing the value of agricultural products or will expand agribusiness in the state.

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5. Preliminary market and feasibility research has been conducted by the applicant or others and shows there is a reasonable assurance of a potential market.

6. The project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for bioenergy.

7. In evaluating and awarding grants under this section, the Department of Agriculture and Consumer Services shall consult with and solicit input from the Department of Environmental Protection.

a. In determining the technical feasibility of grant applications, the Department of Agriculture and Consumer services shall coordinate and actively consult with the Institute of Food and Agricultural Sciences.

b. In determining the economic feasibility of bioenergy grant applications, the Department of Agriculture and Consumer Services shall consult with the Office of Tourism, Trade, and Economic Development.

Section 38. (1) All county, municipal, and school district buildings shall be constructed using a minimum standard of the United States Green Building Council Leadership in Energy and Environmental Design (LEED) national silver standard for construction. This section shall apply to all county, municipal, and school district buildings whose architectural plans are started after January 1, 2008.

(2) The Legislature declares that there is an important state interest in promoting the Leadership in Energy and Environmental Design standards. Government leadership in

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2061 promoting these standards is vital to demonstrate the state's
2062 commitment to energy conservation, saving tax payers money, and
2063 raising public awareness of energy rating systems.

2064 Section 39. (1) The Florida Building Commission shall
2065 convene a workgroup comprised of representatives from the Florida
2066 Energy Commission, the Department of Community Affairs, the
2067 Building Officials Association of Florida, the Florida Energy
2068 Office, the Florida Home Builders Association, the Association of
2069 Counties, the League of Cities and other stakeholders, to develop
2070 a model residential energy efficiency ordinance that provides
2071 incentives to meet energy efficiency standards. The commission
2072 must report back to the legislature with a developed ordinance by
2073 July 1, 2008.

2074 (2) The Florida Building Commission shall, in consultation
2075 with the Florida Energy Commission, the Building Officials
2076 Association of Florida, the Florida Energy Office, the Florida
2077 Home Builders Association, the Association of Counties, the
2078 League of Cities, and other stakeholders, review the Florida
2079 Energy Code for Building Construction. Specifically, the
2080 Commission shall revisit the analysis of cost effectiveness that
2081 serves as the basis for energy efficiency levels for residential
2082 buildings, identify cost effective means to improve energy
2083 efficiency in commercial buildings, and compare to the
2084 International Energy Conservation Code and the American Society
2085 of Heating Air-Conditioning and Refrigeration Engineers Standards
2086 90.1 and 90.2. The commission must report back to the
2087 Legislature with a standard by March 1, 2008 that may be adopted
2088 for the construction of all new residential, commercial, and
2089 government buildings.

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2090 (3) The Florida Building Commission in consultation with
2091 the Florida Solar Energy Center, the Florida Energy Commission
2092 and the Department of Environmental Protection's Energy Office
2093 shall develop a public awareness campaign that promotes energy
2094 efficiency and the benefits of building green by January 1, 2008.
2095 The campaign shall include enhancement of an existing web site
2096 from which all citizens can obtain information pertaining to
2097 green building practices, calculate anticipated savings from use
2098 of those options, as well as learn about energy efficient
2099 strategies that may be used in their existing home or when
2100 building a home. The campaign shall also include strategies for
2101 utilizing print advertising, press releases and television
2102 advertising to promote voluntary utilization of green building
2103 practices.

2104 Section 40. (1) The tax levied under chapter 212 may not
2105 be collected on the first \$1,500 of the selling price of a new
2106 energy-efficient product during the period from 12:01 a.m.,
2107 October 1, through midnight, October 14, 2007. As used in this
2108 section, the term "energy-efficient product" means a dishwasher,
2109 clothes washer, air conditioner, ceiling fan, ventilating fan,
2110 compact fluorescent light bulb, dehumidifier, programmable
2111 thermostat, or refrigerator that has been designated by the
2112 United States Environmental Protection Agency or by the United
2113 States Department of Energy as meeting or exceeding the
2114 requirements under the Energy Star Program of either agency. The
2115 Department of Revenue may adopt rules under ss. 120.536(1) and
2116 120.54 to administer this section.

2117 (2) For the 2007-2008 fiscal year, the sum of \$65,763 is
2118 appropriated from the General Revenue Fund to the Department of

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2119 Revenue for the purpose of administering the energy efficient
2120 products sales tax holiday.

2121 Section 41. STATE FLEET BIODIESEL USAGE.--

2122 (1) By July 1, 2007, a minimum of five percent (5%), by
2123 January 1, 2008, a minimum of ten percent (10%), and by January
2124 1, 2009, a minimum of twenty percent (20%), of total diesel fuel
2125 purchases for use by state-owned diesel vehicles and equipment
2126 shall be biodiesel, subject to availability.

2127 (2) The Director of Management Services shall provide for
2128 the proper administration, implementation, and enforcement.

2129 (3) The Director of Management Services shall report to the
2130 Legislature on or before March 1, 2008, and annually thereafter,
2131 the extent of biodiesel use in the state fleet. The report shall
2132 contain the number of gallons purchased since July 1, 2007, the
2133 average price of biodiesel, and a description of fleet
2134 performance.

2135 Section 42. SCHOOL DISTRICT BIODIESEL USAGE.--

2136 (1) By January 1, 2008, a minimum of twenty percent (20%)
2137 of total diesel fuel purchases for use by school districts shall
2138 be biodiesel, subject to availability.

2139 (2) If a school district contracts with another government
2140 entity or private entity to provide transportation services for
2141 any of its pupils, the biodiesel blend fuel requirement
2142 established pursuant to subsection (1) shall be part of that
2143 contract. However, this requirement shall apply only to
2144 contracts entered into on or after July 1, 2007.

2145 (3) School districts that use biodiesel will be reimbursed
2146 for the fuel cost difference, implementation costs, and education
2147 programs.

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2148 (4) Incentive programs authorized by the Legislature may be
 2149 developed to further encourage biodiesel use by school districts.
 2150 Section 43. Except as otherwise provided herein, this act
 2151 shall take effect July 1, 2007.